

LEGAL AND JUDICIAL

How to File a Case in Nepal from Abroad/Bidesh

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Learn how to file a case in Nepal from abroad/Bidesh, including Power of Attorney, required documents, court process, legal fees, applicable laws, and lawyer representation for overseas Nepalis.

A Nepali citizen living abroad can, in many circumstances, initiate, defend, or participate in a legal case in Nepal without personally returning to Nepal for every court proceeding. Nepalese law provides a legal mechanism for appointing an attorney or authorized attorney to perform specified acts on behalf of a party. The principal statutory provisions are contained in **Chapter 13 of the [National Civil Procedure \(Code\) Act, 2017 \(2074\)](#)**, particularly Sections 144 to 155 concerning attorneys and authorized attorneys.

For an overseas client, the most significant provision is Section 153. It permits a person to appoint an authorized attorney to file a plaint, submit a statement of defense, withdraw a plaint claim, enter into a compromise, or undertake other legal action on the person's behalf. Where a general power of attorney is executed outside Nepal, the Act provides for authentication by a **Nepali ambassador or consul general**.

The process should be distinguished from ordinary notarization. A power of attorney intended for court representation or other acts covered by the authorized-attorney provisions should satisfy the requirements of Nepalese law. This article explains how to file a case in Nepal from abroad, how to appoint a representative, what documents may be required, applicable laws, government fees, court procedures, and practical requirements for overseas Nepalis. [Adalat Lawyers in Nepal](#).

1. What Does Filing a Case From Abroad Mean

Filing a case in Nepal from abroad means initiating or participating in legal proceedings in Nepal while the concerned party resides outside Nepal. The person abroad may appoint an attorney or authorized attorney to perform legally permitted acts on their behalf. Section 144 of the National Civil Procedure Code, 2074 provides that a party to a case may appoint a representative to perform any act related to the case or a specific act under the relevant chapter. Once such a representative is appointed, an attorney is deemed to have been appointed and a deed must be executed for that purpose.

This mechanism can assist Nepalis living in countries such as Australia, the United States, United Kingdom, Japan, South Korea, Canada, the Gulf countries, Malaysia, and other jurisdictions. The person does not automatically lose the right to pursue a Nepalese legal claim merely because they live abroad. However, the ability to proceed through an attorney depends on the nature of the case, the applicable law, court requirements, and the authority granted in the power of attorney.

2. Where Can Foreign-Based Nepalis File Cases

A person living abroad must file a case before the Nepalese court having lawful jurisdiction over the dispute. Residence outside Nepal does not by itself determine the competent court. The appropriate court depends on the subject matter, location of the property, nature of the claim, residence or location of parties, transaction involved, and other jurisdictional provisions applicable to the particular proceeding.

For example, a dispute involving immovable property may require consideration of the location of that property, while a contractual, family, commercial, inheritance, or debt-related dispute can involve different jurisdictional rules. The lawyer should therefore determine the competent court before preparing the final plaint or petition.

The **National Civil Procedure Code, 2074** establishes procedural rules for civil proceedings, while substantive legislation determines the legal rights involved. The Nepal Law Commission and Ministry of Law, Justice and Parliamentary Affairs provide official legislative resources for Nepalese laws.

3. What Legal Requirements Must Applicants Fulfill

An overseas applicant must satisfy the legal requirements applicable to the particular case. The first requirement is to establish a legally recognizable claim, defense, application, or remedy. The applicant should provide accurate facts and sufficient supporting evidence to enable the lawyer to determine the appropriate legal procedure.

Where representation is required, the appointment of an attorney must comply with Chapter 13 of the National Civil Procedure Code, 2074. Section 145 specifies qualifications for a person appointed as an attorney. The person must be competent to conclude a contract according to law, must not be a specified government or court-fee defaulter, and must not have been convicted of forgery, fraud, corruption, or an offense involving moral turpitude. The law also contains a provision concerning appointment of a member of the joint family as attorney.

The applicant should also check limitation periods, jurisdiction, evidence, court fees, identification documents, and authentication requirements before filing.

4. What Documents Are Needed for Filing

The exact documents depend upon the nature of the legal case. A property case, divorce matter, inheritance dispute, commercial dispute, debt recovery case, and contractual claim will not necessarily require the same documents. The lawyer should examine the documents before preparing the plaint or petition.

Common documents may include:

- Nepali citizenship certificate or passport;
- Passport-size photographs;
- Power of Attorney or authorized Power of Attorney;
- Citizenship certificate or passport of the proposed attorney;
- Contracts, agreements, receipts, invoices, and correspondence;
- Land ownership certificates and related property records;
- Marriage, birth, death, or relationship certificates where relevant;
- Company registration and corporate documents for business disputes;
- Previous court judgments, orders, notices, or case documents;
- Bank records or financial evidence where relevant;
- Foreign documents requiring authentication or translation;
- Evidence supporting the factual allegations.

For a general authorized power of attorney executed abroad under Section 153, the law specifically requires photographs of both the person appointing the attorney and the attorney and copies of their citizenship certificates or passports.

5. How Can You Authorize a Lawyer From Abroad

A person abroad may authorize another person to act on their behalf by executing an appropriate Power of Attorney. The exact authority should correspond to the intended legal action. Under Section 153, an authorized attorney can be appointed to file a plaint, submit a statement of defense, withdraw a plaint claim, enter into compromise, or perform other legal actions on behalf of the appointing person.

When the general power of attorney under Section 153 is executed outside Nepal, the statute provides that the signature and thumb impression of the person appointing the attorney must be made in the presence of and authenticated by a **Nepali ambassador or consul general**. This is particularly relevant to Nepalis living abroad.

The practical process should therefore begin with a Nepalese lawyer preparing or reviewing the proposed deed. The applicant should then confirm the appointment and documentation requirements of the relevant Nepalese embassy or consulate before attending for authentication. Embassy procedures may also require photographs, identification documents, witnesses, and applicable fees.

6. How Does the Case Filing Process Work

The exact procedure varies according to the case, but an overseas applicant can generally proceed through the following steps:

1. Consult a Nepal-registered lawyer regarding the dispute.
2. Provide the lawyer with complete facts and available documents.
3. Determine the competent court and applicable legal provisions.
4. Check the limitation period applicable to the claim.
5. Prepare the plaint, petition, defense, or other required document.
6. Determine whether an attorney or authorized attorney is required.
7. Prepare the Power of Attorney in the legally appropriate form.
8. Authenticate the Power of Attorney through the applicable Nepalese authority abroad.
9. Send the authenticated documents and supporting evidence to Nepal.
10. File the required case documents before the competent court.
11. Pay applicable court fees and other government charges.
12. Allow the authorized representative or lawyer to perform permitted procedural acts.
13. Respond to court orders, notices, evidence requirements, hearings, and other proceedings.

Section 151 provides that the court examines whether a Power of Attorney satisfies the statutory requirements before registering it. If deficiencies exist, the court may endorse the reasons and provide a three-day period to correct the requirements and submit it again.

7. What Powers of Attorney Are Required for Cases

The type and scope of Power of Attorney should correspond to the legal action being undertaken. Section 146 provides that the deed referred to in Section 144 must follow the format in Schedule 13. It also requires the executor's signature or thumb impression, witnessing by at least two witnesses, identification of the witnesses and writer, and their signatures

or thumb impressions.

Section 150 provides that the powers of an attorney are determined by the Power of Attorney executed at the time of appointment. This means an attorney should not assume powers that the document does not grant.

Section 153 separately deals with an **authorized attorney** and expressly allows authority for filing a plaint, submitting a defense, withdrawing a claim, entering into compromise, or performing other legal actions. A person abroad who wants another person to take these actions should have the document drafted specifically for the intended purpose. The wording should be checked carefully because broad or unclear authority can create procedural difficulties.

8. Which Nepalese Authorities Handle Court Case Filing

Court cases in Nepal are handled by the court having jurisdiction over the relevant dispute. Depending on the subject and stage of the matter, other government authorities can also become involved. For civil litigation, the competent District Court, High Court, or Supreme Court may have jurisdiction depending on the matter and applicable law.

The court's filing and registration process requires submission of the prescribed pleadings and supporting documents. Where an attorney has been appointed, the court also examines the Power of Attorney under Section 151. The court registers it when it meets the legal requirements.

Criminal matters follow different procedures and should not automatically be treated as ordinary civil cases. Police authorities, government attorneys, and courts can have different roles in criminal proceedings depending on the offense and stage of the case.

An overseas client should therefore first obtain legal advice identifying the correct court and authority rather than sending documents to an office without confirming jurisdiction.

9. What Laws Govern Cases Filed From Abroad

The primary procedural law relevant to civil cases is the **National Civil Procedure (Code) Act, 2017 (2074)**. Chapter 13 contains Sections 144 to 155 dealing with attorneys and authorized attorneys. These provisions are directly relevant when a person abroad wants another person to perform legal acts in Nepal.

Section 144 addresses appointment of an attorney. Section 145 establishes qualifications. Section 146 deals with the form of the Power of Attorney. Sections 147 to 149 address multiple appointments and appointments involving more than one case or court. Section 150 defines the scope of an attorney's powers by reference to the executed deed. Section 151 concerns court examination and registration, while Section 152 deals with revocation and replacement.

Section 153 establishes provisions relating to an authorized attorney. Section 154 concerns transfer of rights in immovable property through an authorized attorney, and Section 155 addresses termination.

The substantive law will depend on the dispute. Other civil legislation, criminal legislation, family law, property law, company law, contract law, and special statutes may apply depending on the facts.

10. How Are Court Documents Submitted From Abroad

Court documents prepared outside Nepal must satisfy the formal requirements applicable to the document and proceeding. A person should not assume that an ordinary foreign notarization automatically gives a document the legal status required for every Nepalese proceeding.

For an authorized attorney under Section 153, the law specifically provides a method for authentication where the Power of Attorney is executed abroad. The person appointing the attorney must sign and affix a thumb impression in the presence of, and have it authenticated by, a Nepali ambassador or consul general. Photographs of both persons and copies of their citizenship certificates or passports are also required under the statute.

Nepalese embassies publish their own administrative requirements and fee information. For example, the Embassy of Nepal in Malaysia lists case-related documents, identification materials, and Power of Attorney requirements for its consular service.

The applicant should therefore verify the current embassy procedure before executing documents.

11. How Long Does Case Filing Usually Take

There is no universal period within which every case filed from abroad will be registered, heard, and finally decided. The time depends on the type of dispute, completeness of documents, jurisdiction, court workload, service of notice, evidence, hearings, applications, judgment, and possible appeals.

The overseas component can require additional preparation because the Power of Attorney may need to be drafted, reviewed, authenticated through a Nepalese embassy or consular authority, and transmitted to Nepal. If the document does not satisfy statutory requirements, Section 151 permits the court to identify the deficiency and provide three days to correct and tender the document again.

Applicants should distinguish between the **time required to prepare and register a case** and the **total time required to resolve the case**. These are not the same. A lawyer can provide a more realistic estimate after examining the particular dispute, evidence, limitation period, court jurisdiction, and procedural requirements.

12. What Government Fees and Legal Costs Apply

The total cost of filing a case from abroad depends on the nature of the dispute and the services required. It may include applicable court fees, government charges, Power of Attorney authentication charges, lawyer's professional fees, translation costs, document preparation, courier expenses, notarization, and other case-related expenses.

Section 153(3) of the National Civil Procedure Code, 2074 states that a fee of **NPR 500** is charged for authentication of a Power of Attorney under that provision. However, applicants should distinguish the statutory provision from the total amount payable for every consular service, because embassy administrative charges and other transactions can have separate fee schedules. For example, Nepalese embassy service pages publish country-specific fee information and documentation requirements.

Professional legal fees are separate from government fees. Fairmont Law Firm or another Nepalese law firm should assess the matter before providing a case-specific estimate.

13. How Can Lawyers Represent Clients Living Abroad

A lawyer in Nepal can provide legal advice, review evidence, prepare pleadings, coordinate the Power of Attorney, communicate with the authorized representative, file documents, and represent the client in proceedings to the extent permitted by law and the authority granted. The lawyer should first establish the nature of the case and identify whether the client must personally appear at any particular stage.

Section 150 makes the written Power of Attorney particularly relevant because the powers of an attorney are determined by the deed executed at appointment. A lawyer or representative should therefore act within the authority granted.

The client living abroad should maintain regular communication with the lawyer and provide complete documents and factual information. The lawyer may also coordinate with family members, witnesses, authorized attorneys, government offices, and courts. Legal representation from abroad can substantially reduce the need for repeated international travel, but it does not guarantee that personal attendance will never be required.

14. What Checklist Should Overseas Applicants Complete

Before filing a case in Nepal from abroad, an applicant should organize the legal and documentary requirements carefully. The following checklist can help an overseas client prepare:

- Identify the exact legal dispute and desired remedy.

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- Confirm the competent Nepalese court or authority.
 - Check the limitation period.
 - Select a qualified Nepalese lawyer.
 - Provide complete facts and supporting evidence.
 - Collect citizenship certificate and passport documents.
 - Collect relevant contracts, property records, certificates, receipts, or financial records.
 - Determine whether a Power of Attorney is required.
 - Identify the proposed attorney.
 - Confirm that the proposed attorney satisfies applicable legal qualifications.
 - Prepare the Power of Attorney in the appropriate format.
 - Obtain required photographs and identification copies.
 - Arrange required witnesses where applicable.
 - Authenticate the document before the appropriate Nepalese embassy or consular authority.
 - Send authenticated documents securely to Nepal.
 - Pay applicable court and government fees.
 - Confirm the scope of legal representation.
 - Maintain communication with the lawyer during the case.

This checklist should be treated as a general preparation guide because individual cases can require additional documents or procedures.

15. What Legal Services Are Available From Abroad

Overseas Nepalis may require several forms of legal services in Nepal, depending on their dispute. A Nepalese law firm can assist with legal consultation, case assessment, drafting pleadings, Power of Attorney preparation, document verification, court representation, property disputes, inheritance claims, family matters, contractual disputes, commercial litigation, debt recovery, company disputes, and other legal proceedings.

For clients living abroad, Fairmont Law Firm in Nepal can assist in assessing the legal issue, identifying applicable Nepalese law, preparing necessary legal documents, coordinating with an authorized attorney, and representing clients before competent authorities where legally permitted. The scope of service should be agreed upon before the case begins.

The client should provide complete and truthful information because the lawyer's legal advice and pleadings depend upon the facts and evidence supplied. Where a Power of Attorney is used, the authority should be drafted according to the specific acts the representative is expected to perform. Sections 150 and 153 make the scope of the authority particularly significant.

Frequently Asked Questions

Can I file a case from abroad?

Yes. A person living abroad can, where permitted by applicable law, initiate or participate in a Nepalese legal proceeding through an attorney or authorized attorney. Section 153 of the National Civil Procedure Code, 2074 specifically permits an authorized attorney to file a plaint, submit a defense, withdraw a claim, enter into compromise, or perform other legal actions on behalf of the appointing person.

Can someone represent me in Nepal?

Yes. Section 144 allows a party to appoint a representative to perform acts related to a case or specified legal acts. The appointment must be documented through an appropriate deed. The representative's authority depends on the Power of Attorney. Section 150 states that the powers of an attorney are determined by the authority granted in the executed Power of Attorney.

Do I need a lawyer in Nepal?

A lawyer is not automatically required for every legal action simply because the client lives abroad. However, professional legal assistance is highly advisable for identifying jurisdiction, limitation periods, preparing pleadings, drafting the Power of Attorney, reviewing evidence, and conducting court proceedings. The exact representation requirements depend on the nature of the case and applicable Nepalese procedural law.

How can I give power of attorney?

For an authorized Power of Attorney executed abroad under Section 153, the person appointing the attorney must sign and affix a thumb impression in the presence of, and have it authenticated by, a Nepali ambassador or consul general. The law also requires photographs and copies of citizenship certificates or passports of both persons.

Which court can hear my case?

The competent court depends on the nature of the dispute and applicable jurisdictional rules. Factors may include the subject matter, location of property, parties, transaction, and statutory provisions. A lawyer should determine jurisdiction before filing. Filing before an incorrect court can cause procedural problems and unnecessary delay, so the court should be identified from the facts and applicable law.

What documents must overseas applicants provide?

The documents depend on the particular case. They can include citizenship or passport documents, photographs, Power of Attorney, contracts, property records, certificates, financial documents, previous court records, and evidence supporting the claim. Section 153 specifically requires photographs and citizenship or passport copies of the appointing person and attorney for authentication under that provision.

How much does filing a case cost?

There is no single total cost for every case filed from abroad. Court fees, government charges, professional legal fees, authentication fees, translation, courier, and other expenses may apply. Section 153(3) specifies an authentication fee of NPR 500 for the Power of Attorney authentication described there. Other consular services can have separate fee schedules.

How long does case filing take?

The duration varies according to the type of case, completeness of documents, jurisdiction, court workload, service of notice, evidence, hearings, applications, judgment, and appeals. The preparation of a Power of Attorney may also require time for drafting and embassy authentication. Case registration time should not be confused with the total time required to obtain a final judgment.

Can foreign documents be used in Nepal?

Foreign documents can potentially be used in Nepal, but the required formalities depend on the document and the proceeding. Authentication, consular certification, notarization, translation, or other requirements may apply. Applicants should have foreign documents reviewed by a Nepalese lawyer before relying on them in court rather than assuming that a foreign notarization alone will satisfy every Nepalese requirement.

Can lawyers handle court procedures without me?

A lawyer or authorized attorney may handle many procedural matters for a client living abroad when the applicable law and Power of Attorney permit such representation. Section 153 expressly permits an authorized attorney to perform

several legal actions on behalf of the appointing person. However, particular proceedings may require personal attendance, depending on the law or court order.

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