AFFIDAVIT: BEFORE THE CUSTOMS AUTHORITIES

I, ,

S/o ,

aged about…….. years,

now Residing in …………………………………………………………………………………………….

do hereby solemnly affirm and state as follows: —

1. I am the applicant for license as a Clearing and Forwarding Agent in the

Port of

at Sea in State.

I am well conversant with the facts deposed hereunder and I am fully competent to swear to this affidavit.

1. I say that, I have got the necessary and prescribed qualifications for acquiring the license as a Clearing and Forwarding Agent of the Port. Also, I fulfill all the statutory requirements for the purpose.
2. I say that, all the particulars that I have given in the prescribed application form duly filled in and signed and forwarded by me are true to the best of my knowledge, information and belief. Nothing material has been either suppressed or concealed therefrom and no part of it is false.
3. I say that, there has been no attempt whatsoever, on my part, to mislead the concerned authorities.
4. I say that, the requisite application fee of Rs

has been duly remitted by me through the treasury and the Challan receipt issued by the Treasury Authorities has been produced along with the application.

6. I say that, if I am granted the license to operate and function as a  
Clearing and Forwarding Agent, I shall duly and faithfully abide by the  
statutory provisions under the Customs Act and the Ports Act, the Rules and Regulations prescribed by the Concerned Authorities from time to time.

SdJ Deponent

Verification

Verified at on this the day of …..20 , that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sdj

Deponent

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sdj

Notary.

**AFFIDAVIT BEFORE THE REGISTRAR OF SOCIETIES**

I, ,

S/o ,

Aged…… years,

presently and permanently residing in ,

do hereby solemnly declare and affirm as under: —…………………….

1. That a society by the name of has been founded for working for the cause of the said society has its head-office at
2. I am the President of the Governing body of the abovenamed society elected as such by the original founding members of the society.
3. I have been authorised by the members of the abovenamed society to sign and execute all documents required for registration of the above society and also to swear and execute this affidavit.
4. None of the members of the abovenamed society or its Governing body is related to each other.

**Sd./.**

**Deponent**

**Verification**

Verified at …………. on this the day of , 20 ,that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

**Sd./.**

**Deponent**

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the…… day of ,2021

**Sd./.  
 Notary**

**AFFIDAVIT BEFORE THE ………TRIBUNAL FOR STAY OF DISPUTED TAX**

Ref: In the case of M/s\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Assessment Year \_\_\_\_\_\_\_\_\_\_.

Affidavit of Mr………………………………………,

aged ……………

resides at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above named deponent do hereby solemnly affirm and state as under:

1. That the deponent is the proprietor of the firm above named and hence is fully conversant of the facts deposed BEFORE THE HON’BLE MEMBER-TRIBUNAL, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ below.

2. That in the assessment year under consideration the …….Officer has bitterly rejected the account books of the deponent and assessed to tax as under:

**(a) Admitted turn over Rs. \_\_\_\_\_\_\_\_\_\_\_\_**

**(b) Assessed turn over Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(c) Disputed turn over Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_**

**(d) Admitted Tax Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(e) Assessed Tax Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(f) Disputed Tax Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_**

3. That the learned……..has not considered the reply to show – cause, submitted by the deponent at the time of hearing and the learned……………) has also not considered whereas this was one of the grounds of 1st Appeal.

4. That the learned ……….has rejected the books of accounts on the basis of survey report of \_\_\_\_\_\_\_\_ and the learned ………..has also relied on the same.

5. That learned ……….has not mentioned about the survey report and argument of the counsel on the point.

6. That previous history of the deponent is neat and clean. Besides no argument of the counsel on the point.

7. That the accounts of the firm were always accepted in the pass and also in subsequent years.

8. That deponent has maintained proper accounts consisting of case book ledger, stock book, daily manufacturing account and sales and purchase vouchers.

9. That deponent takes actual stock on 31st, March every years . The same procedure has been followed in stock taking in the assessment year under consideration.

10. That disputed tax is Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_, which is very heavy for the deponent to deposit because financial position of the deponent is very weak.

11. That deponent has full hope that this Hon’ble Court will admit the account and allow the appeal.

12. That on the point stated above the deponent prays this Hon’ble Court to waive the condition of depositing ……of the disputed tax and grant stay for full amount of the disputed tax being Rs. \_\_\_\_\_\_\_\_\_\_\_.

**Deponent**.

**VERIFICATION**

I, …………………………………………….., the above named deponent do hereby verify that the contents of this affidavit from paras 1 to 12 are true to the best of my knowledge and belief. Nothing material has been concealed.

**Dated…………….. Deponent**

**AFFIDAVIT BY WAY OF EXAMINATION IN CHIEF**

**IN THE COURT OF THE CIVIL JUDGE, JUNIOR DIVISION, NASHIK**

**AT NASHIK**

**Reg. Civil Suit No. 000/2000**

**Smt. RDS & Others \_ Plaintiffs**

**Vs  
Smt. PPS & Others \_ Defendants**

**AN AFFIDAVIT IN EXAMINATION-IN-CHIEF ON BEHALF OF THE PLAINTIFFS**

**AFFIDAVIT**

I, Shri RDS, age 35 years, occupation - business, resident of 500 Deccan Gymkhana, Nashik 411004, the plaintiff No. 2, for himself and other plaintiffs, do hereby state on solemn affirmation as follows:

1. That the plaintiffs have filed the present suit against the defendants for declaration and injunction.

2. That the suit properties described in para 1(A) and para 1 (B) of the plaint are self-acquired of my father, the Late Shri DMS, who had  
acquired and purchased the same by registered sale-deeds from time to time, as has been mentioned in the plaint.

3. That, however, the suit property, i.e. one shop, described in para 1 (C) of the plaint is rented and tenanted.

4. That the plaintiffs submit that the suit properties were self-acquired properties of the said Late Shri DMS, and the same came to the absolute and exclusive share of the plaintiffs by virtue of the will made and executed by the said deceased Shri DMS during his lifetime, on .

5. That the said will is also registered by the said testator, Late Shri  
DMS, with the office II, vide Sr. No. 5555, dated …………….

6. That prior to the execution of the said will made by the said deceased Shri DMS, a will of the said testator was caused to be made and executed by the defendant Nos. 1,5,8 and 9, on 9.7.1991. However, the said-will, which was caused by the defendant Nos. 1, 5, 8 and 9, was revoked and cancelled by the said deceased only during his lifetime on and by a fresh will made and executed by him on and there afterwards, the said testator did not make any will or codicil.

7. That the defendant No. 1 is the daughter-in-law of the said deceased, while the defendant Nos. 2, 3 and 4 are the children of the defendant No. l; the defendant No. 5 is also the daughter-in-law of the said deceased, while the defendant Nos. 6 and 7 are the children of the defendant No. 5; the defendant Nos 8 and 9 are the sons of the  
deceased.

8. That there have been strain relationships between the said deceased and all the defendants as a result thereof the said deceased only during his lifetime mad the said will on\_\_\_\_\_\_\_\_\_ in favour of the present plaintiffs as his beneficiaries, and he has also revoked and cancelled the will, dated, which was caused by the defendants by force, duress, compulsion and the like illegal means.

9. That the said so-called will, dated\_\_\_\_\_\_\_ , was also caused to be registered with the office of the Sub-Registrar, Haveli No. I, Nashik, at Sr. No. 1111/2003.

10. That the defendants have ill-treated the said deceased generally during his lifetime and particularly during his old age illness and decrepitude and subjected him to cruelty, inhumanity, excruciating mental tensions, tortures, agony, misery and everything of bad nature, and the reasons for the same were only the suit properties, which the defendants wanted to get devolved upon them to the maximum shares.

11. That even though all the defendants were living separately and apart since the year\_\_\_\_\_\_\_\_\_they used to come to the said deceased and many a time created a scene only with a motif to extract more and more shares in the properties by hook or by crook and without caring for either social values or legal provisions.

12. That the deceased has always had refused to submit to the illegal demands made by the defendants, and being aggrieved and offended by the very legal attitude of the said deceased, the defendants started to misbehave with the deceased and also had gone to the level of taking revenge on the deceased, because the said deceased refused to succumb to the illegal demands made by them.

13. That as a part and parcel of the ill-treatment and harassment meted out to the said deceased by the defendants, on\_\_ at 11.30 a.m., the defendant Nos. 1, 5, 8 and 9 took the deceased by force in an autorickshaw to the office of the Sub-Registrar, Haveli No. I, for causing the execution of the said will by force, duress, compulsion, tensions and tortures, as aforesaid.

14. That since the defendants had caused the execution of the said will on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_against the wish and will of the deceased, he corrected the same by making and executing a fresh but last will as a legal and valid will, on, in favour of the present plaintiffs only as the beneficiaries of the said deceased.

15. That the defendants also attempted to prepare and produce a bogus will showing to have been made and executed as on and by such a bogus will, the defendants have tried to prepare a false record to show that they are also entitled to claim shares in the suit properties to which they were not and shall never be entitled to claim anything.

16. That the plaintiffs for himself and other plaintiffs do hereby declare and affirm that the said will made and executed by the deceased on being legal, valid and the last will enforceable at law, the present plaintiffs are the exclusive beneficiaries and, hence, the owners of the suit properties described in paras 1(A) and 1(B) of the plaintiff, and also tenants-in-common in respect of the tenanted premises described in para 1(C) of the plaint.

17. That the revenue authorities have entered in the record of rights the names of the plaintiffs as well as the defendants subject to the final decision given by the civil court in respect of the disputed wills, dated and

18. That being aggrieved by the decision of the revenue authorities, the present plaintiffs are constrained to file the present suit against the defendants for declaration and injunction in respect of the will lawfully made and executed by the said deceased, the Late Shri DMS, on.

19. That the written statement filed by the defendant No. 8 is relevant, and by the same, the defendant No. 8 clearly admitted the fact of causing the said will onto be unlawful and illegal, too.

20. That the contents of the written statement filed on behalf of the defendant Nos. 1 to 7 and defendant No. 9 are false and denied by the plaintiff categorically and in toto.

21. That all the contents of the plaint filed by the plaintiffs are true and  
correct.

22. That all the documents filed by the plaintiffs be exhibited and read in evidence.

23. That taking into consideration this factual and legal position, the plaintiffs pray that the suit of the plaintiffs be kindly allowed and  
decreed in favour of the plaintiffs with costs, and injunction orders against the defendants as prayed for be kindly passed.

WHATEVER stated above in paras 1 to 23 is true and correct to the best of my knowledge and belief, and so I have signed hereunder at Nashik this \_\_ day of 2000.

Sd/-

PLAINTIFF NO. 2 FOR THE PLAINTIFFS

I know the Plaintiff No. 2

Sd/- x Xx

ADVOCATE FOR PLAINTIFFS

**AFFIDAVIT: DECLARATION OF THE ACTUAL PLACE OF RESIDENCE**

I, ,

S/o ,

aged years,

residing in ,

do hereby solemnly affirm and declare as under: —

1. I purchased the house property bearing No from Shri……………………………………………………….on
2. As a consequence of the aforesaid purchase, I am presently residing in the aforesaid house from …………………….I have no other place of residence in the State of ……………….. except the residential address mentioned above.
3. I am swearing to this affidavit to be produced before the Visa Officer,  
   American Embassy, for the purpose of procuring Visa for U.S.A.

Sd./.

Deponent

**Verification**

Verified at ……………………………….on this the …….day of ,20 , that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./.

Deponent

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the day of ,20

Sd./.

Notary

**IN THE HIGH COURT OF JUDICATURE OF …………………**

**AT …………………**

**C.M.P. No……….. of …….. 20……..**

**in**

**C.R.P. No………… of 20……..**

**Between :**

**……………………..**

**…………………… …*… Petitioner/Petitioners***

***and***

**……………………..**

**……………………. …. *Respondent/Respondent***

**Affidavit file by the 1st petitioner herein**

1. I, ……………..,

S/o. …………………….,.

aged about ……………. years,

R/o. …………., ………………

Colony, …………….

Town, ………………. District,

and now having temporarily come down to …………………...

do hereby solemnly and sincerely affirm an state on oath as follows:

1. That I am the …………………………… Petitioner herein and the…. ………………………….… petitioner is my son and so such I am well acquainted with the facts of the case. I am swearing this affidavit on my behalf and on behalf of the …………………………..…………..,,,, petitioner also who has authorized me to file the same.

3. I crave the leave of this Hon’ble Court to read the contents of the Memorandum of Grounds of Revision Petition part and parcel of this affidavit for better appreciation of the facts and circumstances of the case.

4. I submit that the respondent filed I.A. No. …………………………………… of ………… ……………… in O.S.No. ………………………………………….of ………………………… on the file of the Court of the Senior Civil Judge, ………………………………………………………….. for appointment of the Commissioner for examining the handwriting expert at ……………..…………… and the Superintendent of Passport Office at …………………………………. under Order 26 Rule 1 C.P.C. and the Court below has been observed that the provision has no application, erroneously allowed the said application.

5. I further submit that the respondent in O.S.No. …………………………………….was examined as DW-1 on ……………. and ………………………………….. The falsity of her case had been fully covered by and exposed to the last syllable. On seeing such evidence and developments in the matter, she has filed this application for appointment of commissioner to examine two different witnesses, at two different places namely at ………………………………………………… and ……………………………………………..…… We submit that subsequent to her examination, the respondent managed with those witnesses and she is purposefully screening them to appear before the Court below for the purpose of giving evidence. The reasons assigned by her for examination of those witness on commission are the most unsatisfactory and do not inspire the confidence of this Hon’ble Court.

Therefore, the respondent has no right to get them examined on Commission, by causing unsurmountable and serve inconvenience and hardship to us and our counsel. Further there are no such emergent circumstances existing in the matter for our examination, on Commission. Needless to submit that this device is resorted to by her very cleverly to prevent us from going to either………………………. or ………………..……………… which are the far off places from the local limits. It is pertinent to submit here that I have been suffering from high B.P. and sugar complaint. I have been kept on strict diet. Further I have been suffering from Diabetic ulcer on the right foot and also advised not to undertake any journey.

6. We further submit that ………………………………….. is at a distance of ………….. K.Ms. from my village and ……………………………. is at a distance of …………. K.M.s. The presence of PW-1 is very much essential and necessary at the time of the examination of the above witnesses, in view of the seriousness of the allegations made and the density of the matter. If the request of the respondent is going to be accepted, we may not be in a position to go to the above places for examination of the witnesses, on Commission.

It would further cause trouble not only to us but to the advocates on record also. We may have to incur heavy expenditure for visiting ……………………………………………… and …………………………………………….., where the witnesses are stationed. It is with this motive in mind, this applications filed by the respondent, to avoid inconvience and hardship, the respondent can as well secure our presence for examination of the above witnesses at ………………………………..…………. itself so that the Court below will also be in a position to observe the demeanour.

In the cross examination portion of DW-1, the suspicious circumstances under which the suit agreement (Ex.A-1) was taken out, were also pointed out. By appointing any commissioner to examine the handwriting expert at ……………., the Court below will be losing the custody of the original suit document. The same thing had happened when the respondent obtained the report, without or knowledge in connection with Cr. No. ……………………………………………

of ……………………………………………………………………………….. Town P.S. Hence we have no hesitation to submit that in order to take the suit agreement out of the custody of the Court below, the respondent has come up with this application, at this point of time. Further in view of the serious objections filed to the report of the handwriting expert in O.S. No………………………………., the examination of such witness at ……………………………………………. alone is desirable. The objections of us may kindly be perused in this regard. Moreover the respondent is the resident of the …………………………….…… city and the 2nd witness is also at ………………………………..……………

Under the above said circumstances we have got our own doubt about the safety of our lives. Even though Ex.B-16 passport of DW-1 has been summoned from the Court of the Judicial First Class Magistrate, ……………………………………… to the Court below, the respondent has made very baseless and wild allegations for the missing of page Nos. 5, 6, 15 and 16 attributing collusion between us and the Court staff of O.M.F.C. ………………………………………………………….

Such has been the conduct of the respondent and the seriousness of the allegations made, in connection with I.A.No. ………………………………….………of ………………………………………………………………..., filed under Order 13 Rule 2 C.P.C. If the witnesses are examined at ……………. and …………………………………………………………………..….., as prayed by the respondent, we may not have the services of our advocate at those places for various reasons.

7. We also submit that we have strong prima facie case and the balance of convenience is also in our favour and in the said circumstances if the interim stay of all further proceedings in O.S.No. …………………………………………….. on the file of the Court of the Senior Civil Judge, ………………………………, we will be put to irreparable loss, heavy injury, great loss, and grave suffering.

Under these circumstances, it is just and necessary in the interests of Justice, that this Hon’ble Court may be pleased to grant interim stay of all further proceedings in O.S.No.…………………………………………………………………………………………………………….. of ……………………………………………………………………………….… on the file of the Court of the Senior Civil Judge, ………………………………, pending the disposal of the above Civil Revision Petition, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Deponent

Before me

Advocate, Hyderabad

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

**MEMORANDUM OF CIVIL MISCELLANEOUS PETITION**

**(Under Section 151 of C.P.C)**

**IN THE HIGH COURT OF JUDICATURE OF ………….**

**AT ……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No………… of 20……..

Between :

……………………..

**…………………… …*…Petitioner/Petitioners***

***and***

**……………………..**

**……………………. …. *Respondent/Respondent***

For the reasons in the circumstances stated in the accompanying affidavit, the petitioner herein pray in the interests of Justice, that this Hon’ble Court may be pleased to grant interim stay of all further proceedings in O.S.No. ………………………………………………………..…… of …………………………………………………………... on the file of the Senior Civil Judge, ………………………………………….….., pending the disposal of the above Civil Revision Petition, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

**Place :**

**Dated :**

**Advocate for Petitioner**

**IN THE HIGH COURT OF JUDICATURE OF …………….**

**AT ……………**

Caveat Petition No………….. of 20…..

In

Appeal No………….. of 20……

Between

A.B..............

........................... … *Caveator*

*And*

C.D...........................

........................... .. *Caveatee*

**Affidavit filed by the Caveator**

I, ....................…….,………………………………...an adult Indian inhabinant,

Occupation : ..........…...................

and residing at ……………………………………………………………

District...........................................................................................,

now having temporarily do hereby solemnly affirm and state as follows :

1. I submit that I filed the suit .S.No……………………………………….…………………………

on the file of the ………………………………………………………………………………………........

District ……………………………………………………………………………………………………………

for permanent injunction against the Caveatee herein. Pending the suit I filed an application I.A.No………………………………………………………………………………………..

of ………………………………………………………………………………………………………………... for temporary injunction. The Lower Court granted temporary injunction on ………………………… Inspite of temporary injunction the respondent sought to interfere with my possession and enjoyment. Hence I am constrained to file an application I.A.No………………………………………………………………………………….……..

for police aid. The Hon'ble ...................................................................... District …………………………………………………………………………………………………… allowed the I.A.No………………………………………………………………………………….……..

on ……………………………. Against this order the respondent is likely to file a revision petition in this Hon'ble Court. The caveator pray that no Order/intrim injunction the passed in favour of caveatee without serve the caveator the process appeal.

Hence it is prayed that the Hon'ble Court may be pleased to direct the proposed petitioner to serve the affidavit petition, grounds and material papers on the caveator's advocate and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

Deponent

Before me

#### Advocate..........

**CAVEAT PETITION** *Under Section 148-A of CP.C*

**IN THE HIGH COURT OF JUDICATURE OF …………….**

**AT ………………**

Caveat Petition No……… of 20…..

In

Appeal No. ………….. of 20….

Between

A.B. … *Caveator*

*And*

C.D. … *Caveatee*

The address for service of all notices on the above named caveator is that of his counsel Mr………………… .……………………….and …………………

Advocates, H.No……………

For the reasons stated in the accompanying affidavit the caveator herein prays that this Hon'ble Court may be pleased to direct the proposed petitioner to serve the affidavit, petition, grounds and material papers on the caveator's Advocate and pass such other or further order or orders as deem fit and proper in the circumstances of the case

Place :...........

Dated : ............ Advocate for Caveator

**Preliminary**

**IN THE COURT OF THE JUNIOR CIVIL JUDGE OF ……………..**

I.A. No………………. of 20…….

in

O.S. No…………….. of 20………

Between :

……………….. …..*Petitioners*

*And*

*………………..*

*…..Respondents*

*(*Third Party)

**Affidavit filed by the Petitioner**

I, ………..…………………….,

S/o….…………….,

Hindu, aged about …………… years,

Occupation : ………………………………………………

and residing at ………………………………………………………………………………………..

Street ………………………………………………………………………………………………….

District, do hereby solemnly affirm and state as follows :

1. I am the ………………………… party to the above case and I know both the parties to the case.

2. I along with my sisters sold away the land situated in

R.S.No. ………………..………………………………..

in an extent of Ac ………………………………..

cents of ………………………………………………………….

village to one …………….

about…………… years back till then the said property is in our possession and enjoyment. There is a pathway on the western side of the land the said pathway is the only pathway for the plaintiffs as well as for defendants.

The plaintiffs are exercising their right of way in the said pathway since several decades.

3. I know the above facts personally. Hence I am submitting the same to the Hon’ble Court

Be pleased to consider,

Deponent

Solemnly affirmed and signed before me

on this ………. day at………

Advocate/Attestor

**IN THE HIGH COURT OF JUDICATURE OF ……………..**

**AT………….**

C.M.P. No. …..……. of 20………..

in

C.R.P. No………… of 20……..

Between :

……………………..

…………………… *…Petitioner*

*and*

……………………..

……………………. …. *Respondent*

**Affidavit filed by the Petitioner**

I, …………………………………………………………………………………………………

S/o. ………………….,…………………………………………………………………………

aged about …………… years,

R/o. …………………………………………………………………………………………

Town ……………..

District, having now temporarily come down to …………………………………………,

do hereby solemnly affirm and sincerely state on the oath as follows :

1. I am the petitioner herein and also petitioner in the above CRP and as such well acquainted with the facts of the case.

2. I submit that the respondent herein suit - O.S.No. ……………………….

on the file of the District Munsif, …………………………………………………………………,

for partition and separate possession of the suit schedule property, against me

and …………………………………………………………. others. The said suit was dismissed for default and subsequently the same was restored vide order dated ……………….. in IA No. ………………………………..……………………..

passed by the learned District Munsif, …………………………………………………………….……

I have filed another suit O.S.No. ………………………………………………………………….….

on the file of the learned sub-judge, …………………………………………………………………,

for damages and perpetual injunction in respect of the same suit schedule property (i.e. O.S.No………………………………………………………………………………).

Both the said suits are pending before the respective Hon’ble Courts.

3. I submit that the subject matter involved in both the said suits is one and the same and the contesting parties are also one and the same. The documents relied on in both the suits are also one and the same. I submit that if both the suits are tried separately, there is possibility of delivering two contradictory judgments. Hence, I have filed OP No. ………………….….,

before the District Judge, …………………………………………………..

to transfer O.S.No. ……………………………………….

on the file of the District Munsif, ………………………………………………………………...,

to the file of the Sub-Judge, …………………………………………………………………,

to try along with O.S. No. …………………………………………………………………………………..…. pending on his file. The learned District Munsif without going into the merits of the case dismissed the said OP by his order and decree dated …………….

4. I submit that aggrieved by the said order and decree dated ………………… of the learned District Judge, ………………………………………………………………………., in O.P.No. ………………………………………………………………………………………., I have filed the above CRP. I crave leave of this Hon’ble Court to treat the Memorandum of ground of CRP as part and parcel of this petition. I am advised that there are fair chances to succeed in the Revision.

5. It is therefore prayed that this Hon’ble Court may be pleased to stay all further proceedings in O.S.No. ……………………………………………... on the file of the District Munsif, …………………………………....and O.S.No………………………………. on the file of the Sub-Judge, ……………………………………………………..., pending disposal of the above CRP and pass such other order or orders as this Hon’ble Court may deem fit Sworn and Signed before me on this …………

day of ………, ……….. at …………..

Advocate, ………….

**MEMORANDUM OF CIVIL MISCELLANEOUS PETITION**

**(Under Section 151 of C.P.C)**

**IN THE HIGH COURT OF JUDICATURE OF …………. AT ……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No………… of 20……..

Between :

……………………..

…………………… *…Petitioner/Petitioners*

*and*

……………………..

……………………. ….*Respondent/Respondent*

For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to stay all further proceedings in O.S. No. ……………………………………………………………………………………………………………..................

on the file of the Court of the District Munsif, …………………………………………………. and in O.S. No. ……………………………………………………………………………………………..…… on the file of the Court of Sub-Judge, …………….. pending disposal of the above CRP and pass such other order or orders as this Hon’ble Court may deem fit and proper.

Dated : ……..

Place : …….

Advocate for Petitioner

**IN THE COURT OF THE SUBORDINATE JUDGE OF ……….**

**A.S. No. ……….. of …………….**

*Between:*

A.B. … ***Appellant***

*And*

C.D. … ***Respondents***

**Affidavit filed on behalf of the appellant**

I, Mr...............................…….,

S/o. ..........………………..,

an adult Indian inhabitant, cultivation, residing at ........……………………….,

do hereby solemnly affirm and state as follows:

1. I am the appellant-plaintiff in the above case.

2. I submit that I want to prefer an appeal as against the judgment in O.S. No. ……….

of ………………

3. I submit that I went to ……………………………………………. on ……………..

on my personal work. There suddenly I got malaria fever and so I was unable to move about. I was taking medical treatment at …………………………………………………………………………..…… from that day. So, I could not file the above appeal within time. I have been discharged only yesterday. The delay of …….………. days in filing the appeal is neither willful nor wanton. I am herewith enclosing the doctor certificate also.

4. It is therefore necessary that the Honorable Court may be pleased to condone the delay in filing the appeal. Otherwise I will be put to serious and irreparable loss.

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

**Deponent**

**Before me**

**Advocate............**

**IN THE COURT OF THE SUBORDINATE JUDGE OF ……………**

C.M.P. No. …………. of …………..

In

A.S. No. ……………. of ……………..

*Between :*

A.B. **… *Petitioner/Appellant***

*And*

C.D. **… *Respondents***

**PETITION FILED ON BEHALF OF THE PETITIONER/APPELLANT UNDER**

**SECTION 5 OF THE LIMITATION ACT AND SEC. 151 OF C.P.C.**

That for the reasons stated in the affidavit filed herewith it is prayed that the Honorable Court may be pleased to condone the delay of …….... days in filing the appeal and pass such other orders as the Honorable Court may deem fit and proper in the circumstances of the case.

***Advocate for Petitioner***

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE**

**OF …………………..**

C.M,.A No.….…… 20 ………….

R.C.C No.………… of 20 ………….

Between :

………………….

………………… …*Appellant*

*and*

…………………

……………….. ….*Respondent*

**Affidavit filed on behalf of the appellant**

I, ……………..,

S/o. ……….........,

aged about …………..,

residing at …………….,

do hereby solemnly affirm and state on oath as follows :

1. I am the Appellant in the above appeal and the petitioner in this Application.

2. I submit that the learned Rent Controller, (PDM), ……………………………………………………………………., granted time till ……………………………………………………………..

for vacating the premises. The order was pronounced on…………………………………..…

I filed copy Application on ……………………..…………….and the order was made ready only on ……………………………. Hence there is urgency in the matter.

3. It is, therefore just and necessary that the Hon’ble Court may be pleased to treat the accompanying papers as urgent and number the same, emergently and by out of order. Otherwise, I will be put to serious loss.

Deponent

Solemnly affirmed and signed before me

at …………. on …………

Advocate…….

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE**

**OF …………………..**

I.A. No…………. of 20………..

C.M,.A No.….…… of 20 ………….

R.C.C No.………… of 20 ………….

Between :

…………………

………………… … *Petitioner/Appellant*

*vs.*

……………

…………… …. *Respondent*

**Petition filed on behalf of the petitioner/**

**Appellant u/section 151 of the C.P.C.**

That for the reasons stated in the accompanying affidavit, it is prayed that Hon’ble Court may be pleased to treat the accompanying papers as urgent and number the same emergently and by out of order and pass necessary orders.

Place :……….

Dated : ………

Advocate for Petitioner/Appellant

**IN THE HIGH COURT OF JUDICATURE OF …………….**

**CAVEAT No ………….. of ………….**

*Between :*

A.B.  **… *Caveator***

*And*

C.D.  **… *Respondents***

**Affidavit filed on behalf of the Caveator U/s. …………….**

**of C.P.C.**

1. I, Mr…………………………………………………………………………………....,

an adult Indian inhabitant within the jurisdiction of this Hon'ble Court do hereby solemnly affirm and state as follows:

2. I submit that I am the absolute owner in possession and enjoyment of the schedule property and Respondents have nothing to do with the same. To cause harassment and wreck vengeance against me, the respondents are threatening to institute Civil Suit or Suits against me and seek *Ex parte* Order like Injunction, appointment of Commissioner, appointment of Receiver etc., in which case. I must be put on notice failing which I will be put to serious loss.

3. I also submit that for the reasons stated above it is prayed that this Hon'ble Court may be pleased to lodge a Caveat in ……………………………………………………. and order notice of all urgent applications and pass such other suitable orders.

Solemnly affirmed at ..................... Deponent

on this …………….. day of.............. 20...... before me

#### Advocate

**IN THE COURT OF SUBORDINATE JUDGE AT …………….**

S.E.P. No…………….. 20 ……….

S.C.No……………… 20………..

Between :-

……………………

…………………… **……. *Decree holder***

*And*

………………….

…………………. …**…. *Judgment debtor***

**Affidavit filed on behalf of the Judgment Debtor**

I, ………………………………………………………………………..…

S/o ………….………………………………………………………………..

Hindu, aged …………………

cultivation, residing at ………………………………………………………………………….

village, do hereby solemnly affirm and state as follows:

1. I am the deponent herein and J.D in the above E.P.

2. I submit that to prove that I am a small farmer the list mentioned documents are material and they are available in M.R.O’s Office, …………………………...

3. I submit that …………………………………..….. has given true copy of 10(1) account, and did not grant certified copies, hence list mentioned documents may be summoned from M.R.O’s office of …………………………………………………. enabling me to prove that I am a small farmer or else I submit that I will be put to irreparable loss and damage.

Solemnly affirmed and signed in my presence at …………,,,,,,,,,,,,,,,,,,,,,,,,,,,……….. on …………………………………

**Advocate**

**IN THE COURT OF ………………..**

*I.P. No.* ……………..

Between :

A.B.  **… *Petitioner***

And

C.D.  **… Defendant**

**Affidavit filed on behalf of the petitioner**

I, Mr........………………………………......., an adult Indian inhabitant,

Occupation: ……………………,

residing at ……………………………………………………..., do hereby solemnly affirm and state as follows:

1. I am the petitioner herein and I filed the Insolvency Petition to adjudicate as an insolvent.

2. I submit that unless there is great pleasure from all the creditors my assets may be managed by appointment of an Interim Receiver.

3. I also submit that in the interest of justice an Interim Receiver has to be appointed.in the present case.

4. It is therefore prayed that this Hon'ble Court may be pleased to appoint an Interim Receiver for management of the assets of the petitioner and pass such other suitable orders.

Deponent

Before me Solemnly affirmed at ……………. on this the …………. day of ………… and signed

Advocate...........

**IN THE COURT OF ……………..**

*I.A. No.* …………. *of* …………..

*I.P. No.* ………… *of* …………..

Between :

A.B. **… *Petitioner***

And

C.D.  **… Defendant**

**PETITION FILED UNDER SECTION 20 OF THE PROVINCIAL INSOLVENCY ACT.**

For the reasons stated in the affidavit herewith filed it is prayed that this Hon'ble Court may be pleased to appoint an Interim Receiver for management of properties and pass such other suitable orders.

**Advocate for petitioner.**

**IN THE COURT OF ………………..**

*I.P. No.* ………….. *of* …………..

Between :

A.B. … *Petitioner*

And

C.D. … Defendant

**Affidavit filed on behalf of the petitioner**

I, Mr.........……………………,

son of …………………........,

an adult Indian inhabitant, Occupation: …………..,

residing at ...................………………..,

do hereby solemnly affirm and state as follows :

1. I submit that I am the petitioner herein and file the above I.P. to adjudge the respondent as insolvent. I also submit that in the existing circumstances if reasonable security is not given the debtor may disappear and we may not be able to realize any amount from him.

2. It is therefore prayed that this Hon'ble Court may be pleased to direct the respondent to give reasonable security for his appearance until the final orders are passed in the I.P.

*3. It is therefore prayed that this Hon'ble Court may be pleased to direct the respondent to give security for his appearance failing which I will be put to serious loss and damage.*

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Deponent

Before me

Advocate...........

**IN THE COURT OF ……………..**

*IA. No.* …………. *of* ……………

*I.P. No.* ………… *of* ………….

Between :

A.B. I  **… *Petitioner***

And

C.D. … **Defendant**

**PETITION FILED ON BEHALF OF THE PETITIONER UNDER SECTION 21**

**OF PROVINCIAL INSOLVENCY ACT, 1920.**

For the reasons stated in the accompanying affidavit herewith filed it is prayed that this Hon'ble Court may be pleased to direct the respondent to give reasonable security for his appearance until final orders and pass such other orders.

**Advocate for the petitioner.**

**IN THE COURT OF ………………..**

*I.P. No.* ……………….

Between :

A.B. … ***Petitioner***

And

C.D. … **Respondent(s)**

**Affidavit filed on behalf of the petitioner**

I, Mr. ............…..........………………………………………………

son of ....................................................…..….………,

an adult Indian habitant, Occupation: .......…………………….,

residing at ………………………………………………………….., do hereby solemnly affirm and state as follows:

1. I am the petitioner herein and am well acquainted with the facts of the case.

2. I submit that I filed the above I.P. to adjudge the respondents as insolvents.

3. I also further submit that the respondents with a view to defeat and delay the claims of the creditors are not at all managing the properties shown in the I.P. properly.

4. Narrate the details and the facts of the case.

5. I also submit that inasmuch as the I.P. is admitted, in the interest of justice and for management of the petition schedule properties an interim receiver has to be appointed. It is therefore prayed that this Hon'ble Court may be pleased to appoint an interim receiver for the purpose of management of the I.P. Schedule properties and pass such other suitable orders.

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Deponent

Before Me

**IN THE COURT OF ……………….**

*I.A. No.* …………..

*I.P. No.* …………..

Between :

A.B.  **… *Petitioner***

And

C.D. … ***Respondents***

**PETITION FILED BY THE PETITIONER UNDER SECTION 20 OF** **THE PROVINCIAL INSOLVENCY ACT READ WITH ORDER 40,** **RULE 1, C.P.C.**

That for the reasons stated in the affidavit herewith filed it is prayed that this Hon'ble Court may be pleased to appoint interim receiver for the purpose of managing the petition schedule properties and pass such other suitable order.

**Place :**

**Dated :**

**Advocate for Petitions**

**BEFORE THE DEBT RECOVERY TRIBUNAL AT …………………**

O.A. No. …………… of 20……..

Between :

A.B. … *Petitioner*

*And*

C.D. … *Respondent (s)*

**Affidavit filed on behalf of the petitioner**

1. I, Mr.......…………………………………………………….,

son of ...........................................……………………,

I am the manager representing the petition herein and I am well acquainted with the facts of the case.

2. I submit that the respondent is heavily indebted to several 3rd parties and with a view to defeat our claim the respondent is seriously trying to alienate the petition scheduled properties.

3. I submit that we have a strong *prima facie* case and balance of convenience is in our favour and if respondent is successful in alienating properties it will lead to multiplicity of proceedings.

4. It is therefore prayed that this Hon'ble Court may be pleased to grant an injunction restraining the respondents in any way alienating the petition schedule properties till the disposal of O.A. and pass such other suitable orders

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Deponent

Before me

Advocate...............

**BEFORE THE DEBT RECOVERY TRIBUNAL AT ………………**

M.P. No. ………….. of 20…….

O.A. No………… of 20……..

*Between :*

A.B. … *Petitioner*

*And*

C.D. … *Respondent.*

**PETITION FILED UNDER SECTION 19 CLAUSE 6 OF RECOVERY OF**

**DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993**

1. That for the reasons stated in the affidavit herewith filed it is prayed that this Hon'ble Court may be pleased to grant as temporary injunction restraining the respondent from in any way alienating the petition schedule property pending disposal of O.A. and pass such other suitable order.

Advocate for petitioner.

Station : …..........

Date : …….......

**Production of Documents**

**IN THE COURT OF THE FAMILY JUDGE OF …………**

Original Petition No …… 20…

Between :

A.B. *… Petitioner*

### *And*

C.D. … *Respondent*

**Affidavit filed on behalf of the petitioner**

I, Mr……………….………………………………….,

S/o……………………………………………………..………………………,

an adult Indian inhabitant residing at ……………………………………………………………………………………… do hereby solemnly affirm and state as follows :

1. I am the petitioner in the above case and deponent herein.

2. I submit that I have filed a petition for divorce against my wife which is pending before this Hon’ble Court.

3. I submit that the Hon’ble Court was examined on behalf of my evidence PWs ………………….... to ……………………………………………….... and it is coming for further evidence of me. I submit that my father executed a will in favour of my family members and it was mixed with some bundles. Hence I recently traced out. There is willful or wanton delay in filing the present xerox copy of Will Deed. I got fair chance to proceed with case in filing this document. The original Will Deed is filed before the P.D.M. Court, …………………………..

4. It is therefore prayed that the Hon’ble Court may be pleased to condone the delay in the filling the document of will Deed and pass necessary orders. Or else I will be put serious loss.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate................

**IN THE HIGH COURT OF JUDICATURE OF ……………….**

**AT ……………..**

*(Special Original Jurisdiction)*

*W.P. No.* …………. *of* …………

Between :

A.B. … Petitioner

And

C.D. … Respondent

**Affidavit filed on behalf of the Petitioner**

I, Sri. ………........................................................….,

S/o. …………………………………............……………,

Religion………………...,

aged about …..…. years,

occupation ………………………………......……………,

Depot ………………………………………..…………

having come down to ………………………………………….

Temporarily for this purpose do hereby solemnly affirm and state as follows :-

1. I am the petitioner herein and I am working as …………………………………… in …………………………………………….……… and I have been always discharging my duties without any remark whatsoever all along.

2. I further submit that the Ist responde0nt passed final Order dated ...........

in No. ……………..,,….. on the basis of an inquiry and report submitted by Respondent No. ……………

3. I also submit that on dated ………………………………. the Ist respondent served a charge sheet on me levelling the following charges :

"1. For having driven the vehicle No. ………..on route ………… to ………………..…… viz …………………… on ……………….... dated ……………. ….. in a rash and negligent manner as a result of which accident occurred with other vehicle No. …………………………… which was stopped near …………………….…. turning due to brake failure, which constitutes mis-conduct under ……………………………. Regulation …………………………….

2. For having caused severe damages to both the vehicles causing much loss to the corporation which constitutes misconduct under …………………………….. Regulation ……………..

I was called upon to submit my explanation and I submitted my explanation on …………. Though I had explained in detail how I am not at all responsible for the alleged accident, the Ist respondent served a show cause notice dated ........................ on me and on ………………….………. I had submitted my explanation. In fact I had stated how I cannot be held responsible for the charges levelled against me. I had explained in my explanation as follows --

"1. In this connection, I submit that I never committed any accident or damage voluntarily."

I submit that I was on duty in Bus No. …………..………. on …………….… to ……………………..……… service on …………………………… while I was coming from ……………………………….………….. I observed all traffic regulations. I stopped the vehicle at the blind turning and then proceeded towards ……………………………..……… While I was about to take a turn near …………………............………… temple in the .…………………………….…… Road …………………………… to ......................……, I noticed a Bus No. ………………………… kept on the middle of the road, without any caution to the vehicles coming behind. Immediately, I applied the brakes. As the pedal (Brake pedal) of the bus was hard and on account of heavy load in the bus, it gave a jerk and the bus came into contact with the Vehicle No. ……………………….… On account of the said contact, Vehicle No. ……………......…. and Bus No. .......……….. got slight damage. I immediately brought the said fact to the notice of the Traffic Inspector Sri ........…………. He came to the spot and drew a sketch, and released both the vehicles. Thereafter, the traffic jam was cleared. Then I resumed my duties exchanged the passengers on the instructions of the Senior Traffic Inspector into another bus and also kept the Bus No. ……………..…. in the garage. Thereupon, I was allotted duties on Bus No. ………………… on the said day and I did my duties. I submit that I did not commit any accident voluntarily, but the said damages were caused only due to an act of God and due to the inadequate steps taken by the driver of the Vehicle No. ………….

2. I submit that, I was unnecessarily given a charge sheet bearing No. ……………………………….. dated ………………….. framing two specific charges on the basis of report dated ………………………. of the Senior Traffic Inspector, ………………………………., I offered my explanation dated …………… denying the allegations and the specific charges, with the material available at my disposal. Thereafter, no enquiry was conducted summoning the eyewitnesses to speak about the truth in the allegations. Practically no evidence is secured to prove the charges. But, the Depot Manager, without ascertaining the facts, came to the conclusion as if the charges levelled against me have been proved warranting to impose three kinds of punishment, which is not lawful.

3. I submit that in order to offer my detailed explanation to the show cause notice No. ………. dated …………………..…….. I need the attested copies of the following records -

(a) Copy of report dated ……………………... of the Senior Traffic Inspector.……………… Station, together with the sketch of the accident spot and other statements appended to the said report and submitted to the Depot Manager.

(b) Copy of the statements of the eyewitnesses who reported against me alleging any rash and negligent driving of Bus No. ……………….……… on ……………….

(c) Copy of record showing the authority to award three kinds of punishments:

(i) to defer the periodical increment for a period of two years with cumulative effect;

(ii) to effect punishment for postponing future increment;

(iii) to impose recovery of Rs. ……………..….. when only a punishment is required to be awarded for good and sufficient reasons for an alleged offence.

(d) Copy of the Enquiry report, if any, submitted by any enquiry officer together with copies of statements in support of such report.

4. I also submit that I may be permitted to offer my explanation to the show cause notice, within seven days from date of receipt of the aforesaid copies of records."

5. I further submit that on the basis of some report submitted by Respondent No. 2 without following the procedure or affording me opportunity as per law and violating the principles of natural Justice, Respondent No. 1 had made an order on ……............... inflecting a penalty of deduction of Rs. ……………... and also deferring my annual increment which falls next due for a period of two years with cumulative effect. The said order is illegal and one passed without jurisdiction and is in violation of Principles of Natural Justice and rules for the following reasons: -

(a) The Ist respondent is not the appointing authority and hence he is not the competent authority to inflict any punishment and hence the order is wholly without jurisdiction.

(b) The Ist respondent passed a non-speaking order as though I had not submitted any explanation though in fact my explanation had been submitted.

(c) The respondents also failed to furnish the records which I had demanded for submitted my complete and proper explanation.

(d) The non-furnishing of such records is in violation of Rule 12(5) of C.C. & A. Regulations.

(e) The 2nd respondent had not given an opportunity to me to cross examine the witness examined and this aspect had violated the whole enquiry. It is in violation of Regulation .............……

(f) The enquiry was not conducted either in accordance with the rules or atleast in accordance with the principles of natural justice.

6. I further state that I have no other effective alternative remedy and since the order itself is an illegal one and is liable to set aside for the above reasons. I have no other option except to invoke the extraordinary jurisdiction of this Honourable Court under Article 226 of the Constitution of India. I had not filed any other suit or other proceedings questioning the impugned order.

7. It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ or direction quashing the order made by Respondent No. 1 in …………… dated ………… and directing the respondents to follow the procedure while conducting enquiry as per rules and regulations and then make an enquiry report etc., and pass such other suitable orders, and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed at ….…………..

on this the ………….. of …………

and he signed in my presence at ……………..

*Advocate :* …………………

**MEMORANDUM OF WRIT PETITION**

*(Under Article 226 of Constitution of India)*

**IN THE HIGH COURT OF JUDICATURE OF …………………**

**AT ………………….**

*(Special Original Jurisdiction)*

*W. P. No.* …………. *of* …………..

Between :

A.B. … Petitioner

And

C.D. … Respondent

The address and all notices of the above named petitioner of his counsel Sri. ....……………….. advocate, Plot No. ……………….

For the reasons stated in the accompanying affidavit, that the petitioner herein prays that this Honourable Court may be pleased to issue an appropriate writ or direction quashing the order made by Respondent No. ………. dated ……… and directing the respondents to follow the procedure while conducting enquiry as per rules and regulations and then make an enquiry report etc., and pass such other suitable orders.

Place : …………

Dated : …………

*Advocate for Petitioner*

**MEMORANDUM OF WRIT MISC. PETITION**

*(Under Section 151 CPC)*

**IN THE HIGH COURT OF JUDICATURE OF ………………..**

**AT ………………….**

W.P. M.P. No. ………… of …………

In

W.P. No. ………….. of ………..

Between :

A.B. … Petitioner

And

C.D. … Respondent

For the Reasons stated in the Affidavit filed in support of the writ petition, that the petitioner herein prays that this Hon'ble Court may be pleased to direct the respondents herein to follow the procedure while conducting enquiry as per rules and regulations and then make an enquiry report etc., and suspend the operation of the order dated …………………..…

in No………………… ………… of the 1st respondent, pending disposal of the above writ petition and pass such other order or orders.

Place : …………

Dated : …………

*Advocate for Petitioner*

**Affidavits under Motor Vehicle Act, 1988**

**IN THE HIGH COURT OF JUDICATURE OF ……………..**

**AT …………….**

C.M.A.No…………….. of 20…………..

## Between :

A.B. **… *Petitioner***

*And*

*C.D.* ***...Respondents***

### **Affidavit filed on behalf of the petitioners abovenamed**

I, Mr…………………………………………….....,

an adult ………………..............,

working as Accounts Manager Chief Law Officer, ……………………….……………,

do hereby solemnly affirm and sincerely state as follows:

1. I am the Account Manager, ………………….…..…………..

As per Resolution No. ……………………………………………….…….

dated …..……..…….

I am duly authorised to sign vakalats and to give affidavits on behalf of the Corporation.

2. The above CMA is filed questioning the Order and Decree passed in O.P.No ...……..

dated …………..

on the file of .......................................

District Judge, ........................………………

as illegal, arbitrary and contrary to law and the same is liable to be set aside for the grounds set out in the Memorandum of Civil Misc. AppealIt is submitted that the respondents herein as claimants filed O.P.No …………… …………………………………

claiming compensation of Rs. …………….. on the allegation that one

….………………………. died in the accident on ……………....………….…… due to rash and negligent driving on the part of the …………………………………………..……………Driver. The Corporation resisted the same by filling counter contending inter-alia that the accident took place due to rash and negligent driving of the deceased’s driver of the Jeep and as such denied the liability to pay any compensation.

1. It is submitted that the Tribunal below without proper appreciation of oral and documentary evidence available on record awarded exorbitant amount of Rs …….…..… against the claim of Rs. ……….………… which is unsustainable and contrary to law and such the same is liable to be set aside. Taking advantage of the erroneous decree passed by the Tribunal below the claimants are proceeding with Execution to realise the compensation and if the entire amount is deposited it is difficult for the corporation to realise the same in the event of Corporation’s success before this Hon’ble Court.
2. I further respectfully submit that the Corporation has got fair chances of success before this Hon’ble Court and the grounds set out in the Memorandum of Appeal may be read as part and parcel of this Affidavit. Hence the decree and order is liable to be stayed.
3. It is also absolutely necessary in the interests of justice that this Hon’ble Court may be pleased to grant stay of all further proceeding including execution in O.P.No ….………. dated …………….. on the file of ………………………........... Dist. Judge, ………………. at ……………………………...., pending disposal of the C.M.A.

Deponent

Before Me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate

**IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS**

**JUDGE,……………………**

A.S.No…………. of 20……….

Between :

……………………

…………………… …..*Petitioners*

*vs.*

……………………

……………………. …..*Respondent*

**Affidavit filed on behalf of the petitioners**

I, …………………………………………………………………………..…,

S/o. …………………………………………...……………….,

Hindu, aged about …………… years,

Occupation:………………………………..………………

and residing at ………………………………………………………………………………………………………………………………..……. Street, ……………………………………………………………...

Village, do hereby solemnly affirm and state as follows :

I am the advocate on record for the petitioners appellants. I submit that I have filed the above A.S.No……………………………………………………………………………………………………………….. on ……….………………… and in view of the caveat lodged by the Respondent this Hon’ble court was pleased to order notice to the Respondent. I further submit that on …………………………….. when the above appeal was called I was not present and in view of the Meeting by the members of Bar Association I could not be present at the time when the appeal was called. The Advocate for the Respondent has filed memo on behalf of the Respondent and took time for filing counter in the I.A.No………………………………………………………………….. and posted the same to …………………………………………………………………………..……. In view of the urgency in the above petition the Hon’ble Court may be pleased to advance the hearing of I.A.No………………..…… to this date in order to pass necessary order in the above appeal.

In the interest of justice it is just and necessary that the Hon’ble Court may be pleased to advance the I.A. No……………………………………………………………………………………….….. to this date in order to pass stay orders else the party will be put to irreparable loss.

Deponent

Solemnly affirmed and signed before me.

Advocate,…………..

**IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS**

**JUDGE ……………**

I.A. No………….. of 20……

I.A. No…………..of 20……

A.S. No………….of 20…….

Between :

……………………

…………………… …..*Petitioners*

*vs.*

……………………

……………………. …..*Respondent*

**PETITION FILED ON BEHALF OF THE PETITIONER UNDER SEC. 109**

**CIVIL RULES OF PRACTICE**

That for the reasons stated in the affidavit it is prayed that the Hon’ble Court may be pleased to advance the hearing of I.A.No……………………………………………………………………………..…. from…………………….. to this date in order to enable the Hon’ble Court to pass stay orders in the above I.A.No…………………………..…. and pass such other order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :

Dated : Advocate for the Petitioner

**IN THE COURT OF JUNIOR CIVIL JUDGE, …………………**

O.S. No……………….

*Between :*

*……………..* ***…Petitioner***

*Vs.*

*……………..* ***…Defendant***

**Affidavit filed on behalf of the Plaintiff**

I, ….…………………………………………………………………………..

S/o ……………………………………………..…………………….

Hindu, aged about ………… years,

occupation ……………………………………………………………………………..

residing at …………………………………………………………………………………………………………………………………..……….., do hereby solemnly affirm and state as follows :

1. I am the plaintiff herein and I file the suit for the relief of …………………………………………………………………..

2. I submit that I was not well and I could not attend the Court on ………………………….…………. The suit was dismissed for default.

3. I submit that inasmuch as I have a strong case I request this Hon’ble Court to restore the suit.

4. It is therefore prayed that this Hon’ble Court may be pleased to order restoration of the suit and pass such other orders.

Deponent.

Solemnly affirmed and signed before me

at …………… on this day.

Advocate.

**IN THE COURT OF JUNIOR CIVIL JUDGE, ……………**

*I.A. No…………. of ……….*

*O.S. No………….of ……….*

*Between :*

*…………………. …..Petitioner*

*Vs.*

*………………… ……Defendant*

**PETITION FILED UNDER ORDER IX, RULE 9 C.P.C.**

1. For the reasons stated in the accompanying affidavit herewith filed it is prayed that this Hon’ble Court may be pleased to order restoration of the suit and pass such other orders.

**IN THE COURT OF THE HOUSE RENT CONTROL ACT-CUM**

**PRINCIPAL DISTRICT MUNSIFF COURT ……………….**

I.A…………….. of 20……

in

R.C.C………… of 20…….

Between :

………………….

…………………  **…*Petitioner***

*and*

…………………

……………….. **….*Respondent***

**PETITION FILED ON BEHALF OF PETITIONER UNDER SECTION 11 OF**

**THE RENT CONTROL ACT**

For the reasons stated in the accompanying affidavit it is prayed that the Hon’ble Court may be pleased to pass order prohibiting the respondent from contesting the petition and order eviction in the ends of justice.

**Advocate for petitioner**

**IN THE COURT OF THE HOUSE RENT CONTROL ACT-CUM**

**PRINCIPAL DISTRICT MUNSIFF ………………..**

I.A……………… 20..….

in

R.C.C………… of 20…….

Between :

………………….

………………… …*Petitioner*

*and*

…………………

……………….. ….*Respondent*

**Affidavit of petitioner**

I, ………………………………………………………………………….…

S/o……………………………………………….……,

aged about …………. years,

Hindu, Landlord, ………………………………………………………….

do solemnly affirm and state as follows:

(1) I am the petitioner herein and know the facts of the case.

(2) I have already filed the Xerox copies of the rent receipts. I have mentioned adoption deed in my petition. I have also mentioned D-Pharma certificate. I am filing the said documents into Court. They are material for a just decision. The delay is not intentional.

(3) I, therefore, pray that the Hon’ble Court may be pleased to condone the delay in filing documents in the ends of justice.

Deponent

Before me

Advocate, Hyderabad

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

**IN THE COURT OF THE HOUSE RENT CONTROL ACT-CUM**

**PRINCIPAL DISTRICT MUNSIFF COURT…………**

I.A……………… 20…….

in

R.C.C………… of 20…….

Between :

………………….

………………… **…*Petitioner***

*and*

…………………

……………….. **….*Respondent***

**PETITION FILED ON BEHALF OF THE PETITIONER UNDER ORDER**

**13 RULE 2 AND SECTION 151 C.P.C.**

For the reasons stated in the accompanying sworn affidavit it is prayed that the Hon’ble Court may be pleased to condone the delay in filing documents in the ends of justice.

**List of Documents**

1. Rent receipt book.

2. Adoption deed dated ………….

3. D-Pharma Certificate (Xerox copy) with register No………………………………….…. dated………….

4. D-Pharma Pharmacist registration certificate No…………………………………………. dated……………

**Advocate for Petitioner**

**AFFIDAVIT FOR CLAIMING PRIVILEGE FOR PRODUCING DOCUMENTS**

**In the Court of Senior-Sub Judge . ................**

**Suit No ……………………of 20 ……………**

M/s X & Co. ………………………… Plaintiff

vs

Union of India and others ………………………… Defendants

Affidavit of ………………………………..………

son of Shri…………………………………………..

aged…………………..years

resident of ........................................................................

I ………………………………………………………..

son of Shri ………………………………………………

aged about ......................years,

do hereby solemnly affirm and state on oath as under:

1 I am the Secretary, Ministry of ……………………………………………… Government of India, New Delhi and as such, in charge of the general superintendence and direction of the affairs and business of the said department. A summons dated has been served on Shri....................Director,

Department of ...............Ministry of………………Government of India at New Delhi for production of the file containing the correspondence and related papers for the award of contract for defence installation at to M/s.

2. I say that I have carefully gone through the said file.

3. I say that the said file listed in the summons pertains to affairs of state and for the reasons hereinafter set out its disclosure will lead to public injury.

4. I say that the file containing the correspondence and related papers for the award of contract for defence installation at contains top secret information and drawings of defence installation, the production of which will endanger the security and defence of the country. I further say that it is imperative that such material relating to the defence installation is not published or disclosed, otherwise the security or defence of the country will be endangered.

5. I say that none of the above record summoned by the court under my control nor any part thereof, has been published in any manner by the Government of India.

6. I say that the Government of India is claiming privilege under section 123, Indian Evidence Act and therefore, I withhold permission, to produce the documents referred to in this affidavit or give any evidence derived therefrom.

**Deponent**

**Verification**

I ……………………………………. the above named, do hereby verify that the contents of paragraphs 1 to 5 of this affidavit are true to my personal knowledge, that the contents of paragraph 6 are my submissions to this Honourable Court.

Verified at……………………. this……………………..day of……………

**Signature**

**Date .....................**

|  |  |
| --- | --- |
| **AFFIDAVIT FOR CONDONATION OF DELAY IN FILING APPEAL BEFORE THE …………APPELLATE TRIBUNAL.** |  |

Before the ……….Appellate Tribunal at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the matter of \_\_\_\_\_\_\_\_\_\_\_\_Assessment Year \_\_\_\_\_\_\_\_\_\_\_

Affidavit of Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.\_\_\_\_\_\_\_aged\_\_\_\_\_\_\_\_\_ years, Director of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Limited/Private Limited.

That I the above named deponent, am well conversant with the facts deposed to below.

* 1. That the appeal filed by the ……………………………………….…………. before the Dy. Commissioner (Appeals) was disposed of by order dated\_\_\_\_\_\_\_\_\_\_\_ passed by Dy. Commissioner (Appeals) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  2. That the time for filing of the appeal before the Tribunal was to expire on \_\_\_\_\_\_\_.
  3. That the Attorney/Advocate of the ……………………………….. Mr…………………………………….……………..was coming to the office of the Tribunal to file Memorandum of appeal duly signed by the …………………………………………………. of the Company on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by taxi bearing no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and that due to big procession on the occasion of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and consequent traffic blockage on the way, he could not reach the Tribunal Office in time and therefore appeal could not be filed.
  4. That the memo of Appeal has been filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the Office of the Tribunal.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_ ……………….

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_this \_\_\_\_\_day of \_\_\_\_\_\_

**AFFIDAVIT FOR CONDONATION OF DELAY IN FILING APPEAL BEFORE THE ………….APPELLATE TRIBUNAL.**

Before the …………………….

Appellate Tribunal at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the matter of \_\_\_\_\_\_\_\_\_\_\_\_\_

Limited/Private Limited,

Assessment Year\_\_\_\_\_\_\_\_

Affidavit of Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Aged\_\_\_\_\_\_years,

Director of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Limited/Private Limited. That I the above named deponent, am well conversant with the facts deposed to below.

1. That the appeal filed by the Assessee Company before the………………………………….…….)

was disposed of by order dated\_\_\_\_\_\_\_\_\_\_\_

passed by…………………………..)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
2. That the time for filing of the appeal before the Tribunal was to expire on \_\_\_\_\_\_\_\_\_\_\_\_.   
  
3. That the Attorney/Advocate of the Assessee company Mr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

was coming to the office of the Tribunal to file Memorandum of appeal duly signed by the Managing Director of the Company on\_\_\_\_\_\_\_\_\_\_

by taxi bearing no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and that due to big procession on the occasion of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and consequent traffic blockage on the way, he could not reach the Tribunal Office in time and therefore appeal could not be filed.

4. That the memo of Appeal has been filed on \_\_\_\_\_\_\_\_

in the Office of the Tribunal. DEPONENT

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_

this \_\_\_\_\_\_\_\_\_\_\_\_

day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

VERIFICATION   
I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_\_\_\_\_\_this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_   
  
DEPONENT

**Affidavit For Condonation Of Delay In Filing**

**The Appeal ………….**

Before …………………………………

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

In the matter of……………………………………………….……………. for the Assessment Year \_\_\_\_\_\_\_\_\_.

Affidavit of Mr. …………………………………………………………………… aged about \_\_\_ years

S/o Mr…………………………..………………………... Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. I, the above named deponent, am the proprietor of the firm above named and hence is fully conversant of the facts deposed below:

2. That the deponent received assessment order on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. That appeal was to be filed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That deponent fell ill on \_\_\_\_\_\_\_\_\_\_\_ and was under the treatment of Dr. ……………………..……………. who advised complete rest upto \_\_\_\_\_\_\_\_\_\_.

5. That the deponent filed the appeal on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ alongwith medical certificate.

6. That in this way there is a delay of only …………….… days for which an application under Section 5 of the Limitation Act has been filed alongwith memorandum of appeal.

7. That delay in filing the appeal is because of illness of the deponent for which deponent cannot be held responsible.

**Deponent**

**VERIFICATION**

I, A, the above named deponent do hereby verify that the contents of this memorandum of appeal from paras 1 to 7 are true to the best of my knowledge and belief.

**Dated……………….**

**Deponent**

**Affidavit For Extending Time To File**

**The Income Tax Return**

BEFORE THE ……………………………….

In the matter of………………………….

Affidavit of Mr…………………………….………..

aged …………………………………. Years ………….

S/o Mr. ……………..…………. Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above-named deponent solemnly affirm and state as under:

1. That the deponent is the managing Director of the company and hence is fully conversant of the facts deposed below.

2. That the deponent was required to file the return of the income of the Company by ………………., \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. That the deponent received a notice under sub section (2) of Section 139, requiring to file the return of the company by ……………………………………….

4. That the Company’s accounts have been closed on ……………………….\_ and have been given to the chartered accountant for audit purposes.

5. That since audit work was not complete, the deponent applied for extension of time upto………\_\_\_\_ on prescribed form No. 6.

6. That form 6 was filed by the deponent on the receipt counter and receipt was

obtained. A photo copy of the same is enclosed as Annexure ‘A’.

7. That after filing form 6 and obtaining the receipt the deponent contacted the Income tax Officer, of his ward and the Income tax Officer assured that the time shall be extended and intimation to this effect shall be sent to the deponent.

8. That because the deponent did not receive any intimation from the Income tax Officer till ………………………………, , he appeared on the said date before the said Officer and requested for extension of time and passing of order to that effect.

9. That the Income tax Officer informed the deponent that the time was extended upto ……./…./…,….

10. That the deponent filed the return of his company of ……………………………… in accordance of the order of the income tax Officer, verbally communicated to the deponent.

**Deponent**

**VERIFICATION**

I, ……………………………………………………, the above named deponent do hereby verify that the contents of this affidavit form paras 1 to 10 are true to the best of my knowledge and belief, Nothing material has been concealed.

**Deponent**

**Precedent No. 8**

**AFFIDAVIT: FOR OBTAINING**

**STAY**

**BEFORE THE HON'BLE DISTRICT COURT**

Crl. MP. No of 20

In

Crl. R.P. No of 20...

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I………………………………………..,

S/o…………………………… ,

aged years,

residing in……………………………………………, do hereby solemnly affirm and state as follows:—

1. I am the petitioner in the above Criminal Revision Petition and the stay  
application. I am well conversant with the facts and circumstances of the  
case and stand competent to swear to this affidavit.

2. The above Criminal Revision Petition is filed on valid and legal grounds

against the order dated in M.C. No of the learned Sub-Divisional Magistrate

1. All the facts stated and grounds raised in the above Revision Petition may kindly be read, construed and treated as part of this affidavit.
2. On the basis of the impugned order in the above M.C., the D.M.R.C was permitted to set-up a canteen on a contract basis near the foot of the metro station. The said canteen is almost absolutely on the face of my bungalow No ………………The said canteen has proved to be a source of great inconvenience and nuisance for not only me , but also for the entire neighborhood.
3. The Hon'ble Court……………., issued an order of temporary Injunction dated………. against the said authority, preventing them from trespassing into the abovesaid property. But the respondents continue in their unlawful activity.
4. I have a sure chance of success in Criminal Revision Petition. If, in the meanwhile, the respondent is allowed to carry on with their unlawful activity, I will suffer irreparable loss and injury as I intend to give the said premises on rent and the continuance of the respondents' activities will defer anybody from taking the said premises on rent.
5. It is, therefore, just and necessary that this Hon'ble Court may be pleased to stay the operation, and all proceedings in pursuance, of the order impugned until the Criminal Revisions Petition is finally disposed of by this Hon'ble Court.

Sd./ Deponent.

Verification

Verified at on this the day of , 20 ,that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

**Sd./** Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

***Sd./***

***Counsel for the Deponent.***

Note- Affidavit to be attested by the appropriate authority prescribed under law.

**Affidavit For Resumption Of Indian Citizenship**

BEFORE THE ……………………………………

Affidavit of Mr. ……………….,

aged ………………………………,

S/o……………………………………,

Residence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, the above name deponent solemnly affirm and state on oath as under:

1. That the deponent has applied before your Honour for the resumption of Indian Citizenship, and hence is fully conversant of the facts deposed below.

2. That the deponent was born in \_\_\_\_\_\_\_\_\_\_\_\_ Hospital on \_\_\_\_\_\_\_\_\_\_\_.

3. That the full Name of the father of deponent is …………….

4. That the deponent has ceased to be any Indian Citizen by virtue of sub section (1) of Section 8 of the Indian Citizenship Act, 1955, on 1, Jan. 1980 because of reason that the father of deponent Mr. ………………………..has renounced his Indian Citizenship on the said date.

5. That deponent declares his intention to resume Indian Citizenship and applied to the Central Government to register this declaration.

**Deponent**

**VERIFICATION**

I, …………………………, the above-named deponent do hereby verify that the contents of this affidavit form paras 1 to 5 are true to the best of my knowledge and belief. Nothing material has been concealed.

**Deponent**

**Precedent No.10**

**AFFIDAVIT: FOR SETTING ASIDE AN**

**ORDER DECLARING DEFENDANT EX PARTE**

BEFORE THE II ADDL CIVIL COURT, of 20

Miscellaneous Application No. of 20

In Original Suit No

Applicant/Defendant:

Vs.

Respondent/Plaintiff:

AFFIDAVIT

I……………………, , S/o , aged , residing in ……………….. , do hereby solemnly affirm and state as follows:—

1. That I say, that I am the defendant in the above suit and the applicant in  
the application. I am well conversant with the facts and circumstances of  
the case and stand competent to swear to this affidavit.

2. That I say, that the aforementioned suit is for the recovery of an amount of Rs ……………….., allegedly due to the respondent-plaintiff from me, for taking up the construction work of the applicant's official premises  
bearing No……

3. That I say, that notice in the suit was not duly served on me. I happen to  
be a tenant in the first-floor of the house property bearing

No The said premises is the abode of two more tenants.

The notice was in fact served on my neighbour residing on the ground-floor of the same premises. The said neighbour did not care to inform me about any such service of notice and it was only on enquiry that I came to know that the address was wrongly given into the Process Memo of the summons by the respondent-plaintiff and therefore the notice was returned unserved earlier. Therefore, there was no due or proper service of notice on the applicant.

4. That I say, that it was only from one of my employees, who happened to  
have a case before this Hon'ble Court last week, that I came to know  
about the filing of the suit and the declaration of the applicant ex parte by  
this Hon'ble Court, not having appeared before this Hon'ble Court inspite  
of the alleged service of notice. This has caused great inconvenience and  
hardship to me. I further came to know that this Hon'ble Court had posted

the case to for plaintiff's evidence. If evidence is taken ex parte

and the suit decreed by this Hon'ble Court, it will cause irreparable loss, injury and hardship to me.

5. That I say, that I have got very serious contentions in the suit and have  
records to show that all amounts due to the respondent-plaintiff towards  
the aforementioned construction have been fully paid against proper  
receipts issued by him and there is no amount due from, and payable by  
me.

6. That I say, that the case has not reached the trial stage. Even the issues have not been framed. The respondent-plaintiff will not therefore in any way be prejudicially affected by setting aside the ex parte order. 7. It is therefore, just and necessary that this Hon'ble Court may be pleased to set aside the order dated passed by declaring the applicant ex parte and to allow me to contest the suit by filing the written statement. It is also necessary that this Hon'ble Court may be pleased not to go ahead with the trial of the suit on the namely the next date of hearing.

**Sd./** Deponent.

Verification

Verified at on this the day of , 20

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

**Sd./** Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

**Sd./**

Counsel for the deponent.

Note. — Affidavit to be attested by the appropriate authority prescribed under law.

**AFFIDAVIT FOR SUBSTITUTION OF KARTA**   
  
 In the Court of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
 Civil Miscellaneous Application No\_\_\_\_\_\_\_\_\_\_ of 20……………   
  
in  Original Suit No \_\_\_\_\_\_\_\_ of year ..   
  
Mr………………………………………………………………. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Plaintiff   
………………………………………………………Versus   
1. Mr………………………………………… \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendants 

2. Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
AFFIDAVIT of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

aged \_\_\_\_\_\_\_\_\_\_ years,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .   
  
I, the above-named deponent, most solemnly affirm and state as follows:   
  
1. That I am the son of the plaintiff and am acquainted with the facts deposed to below. 

2. That the above-mentioned suit was filed by Mr\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_, the above-mentioned plaintiff, in his capacity as Karta of his Joint Hindu Family. 

3. That the said Plaintiff \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ died on \_\_\_\_\_\_\_\_\_\_ leaving the following surviving members of the Family: 

(i) Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Son of Plaintif)   
(ii) Mr ………………………………………… …(Son of Plaintif)   
4. That after the death of the deceased the members mentioned in paragraph 3 above, continue to constitute a Joint Hindu Family and I, being the eldest member of the Family, am now the Karta of the Family. 

5. That I am ready and willing to prosecute the suit in place of the late Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.\_.   
  
 **Verification**  
I, the above-named deponent, verify that the contents of paragraphs 1 to 5 of this affidavit are true to my personal knowledge.   
  
Signature   
  
Date\_\_\_\_\_\_\_   
  
Solemnly affirmed before me on this \_\_\_\_\_day of \_\_\_\_\_\_, 20… \_\_\_\_ at \_\_\_\_\_(time) by the deponent.   
  
Signature   
  
(Oath Commissioner)

Affidavit Format for Admission in Sports Training Centre

I, \_\_\_\_\_\_\_\_\_ aged\_\_\_\_\_\_\_\_\_ years\_\_\_\_\_\_\_\_\_ residing at House No\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_ do hereby affirm and undertake as follows:-

1. That my ward \_\_\_\_\_\_\_\_\_ , S/o Shri\_\_\_\_\_\_\_\_\_ , has been selected for admission to \_\_\_\_\_\_\_\_ Training Centre\_\_\_\_\_\_\_\_\_ and I have no objection to his admission. I further state that my ward and I will abide by all the rules and regulation of the hostel.  
2. That I have fully understood the \_\_\_\_\_\_\_\_\_Training Centre scheme and here by agree that in case my ward do not take interest or violate any rules of the hostel or do not show any improvement in his discipline of sports during the monthly/ quarterly/ assessment by experts, he may be removed from the scheme .  
3. That I undertake the responsibility of his good conduct and discipline during his stay in the hostel.  
4. That I shall not withdraw my ward from the hostel unless/ until he is weeded out as a result of non- performance / non- improvement or on ground of indiscipline.  
5. That I agree to reimburse the expenses incurred on him in case he is withdrawn by me from the hostel.  
6. That I shall be responsible for all the loss/damages if any as sustained due to the fault /negligence or action of my ward.  
7. That I agree to deposit a security deposit of Rs. \_\_\_\_\_\_\_\_\_ /- at the time of admission (if any).  
8. That I am fully aware of the conditions working and nature of the activities at the hostel and as such I am admitting my ward to the hostel at my own risk and responsibility.  
9. That I undertake to collect my ward on his weeding out/ termination at my own cost.  
10. That I undertake during the stay of my ward in the sports hostel, if anything happens due to his misconduct and negligence during the training period I shall not claim any damages.  
11. That if my ward during the tenure of hostel met with an accident out side the hostel while not in training I will not hold the management responsible.

What is stated above is true and correct to the best of my knowledge and information.

SIGNATURE OF THE PARENT/GUARDIAN

Identified by me,  
1st Class Magistrate

Place:  
Date:

Affidavit Format of Accident Death Claim

BEFORE THE \_\_\_\_\_ CLAIMS TRIBUNAL, \_\_\_\_

`1-…………………………

w/o ……………………

.

s/o……………………

2- ……………………………….

s/o……………………

d/o…………………..

s/o……………………….

All residents of \_\_\_\_\_

District \_\_\_

at present Resi…………………………………

…………………………………………….PETITIONERS

VERSUS

1. ……………………………….

s/o……………………..

resi………………………………………..

(Driver of the offending vehicle \_\_\_\_ No. \_\_\_\_)

1. …………………………………..

s/o……………………………..

resi…………………………

(Owner of the offending vehicle \_\_\_\_ No. \_\_\_\_)

1. \_\_\_\_\_ vide its Insurance Policy No. \_\_\_\_valid upto \_\_\_\_ issued from \_\_\_\_ branch office service may be effected through its Branch Manager at \_\_\_\_.  
   (Insurer of the offending vehicle \_\_\_\_ No. \_\_\_\_)

………………………………………………………………….RESPONDENTS

CLAIM PETITION UNDER SECTION \_\_\_

OF THE MOTOR VEHICLE ACT FOR GRANT OF COMPENSATION OF \_............................../-

UNDER NO FAULT LIABLITY UNDER SECTION \_\_\_ OF \_\_\_\_

Sir

The petitioners most respectfully submit as under:-

We, the above-named petitioners being the legal heirs/representatives of deceased \_\_\_\_, do hereby apply for the grant of compensation, who died in the roadside vehicular accident caused by the respondent No.1 by driving the vehicle \_\_\_\_ rashly, negligently, carelessly, without observing the traffic rules, without observing the safety of the others at \_\_\_\_ within the jurisdiction of \_\_\_\_ on \_\_\_\_ at about \_\_\_\_.

The necessary particulars in respect of the vehicle, deceased etc. are given herein below:-

1- Name & father’s name of the person deceased – \_\_\_\_son of \_\_\_\_

2- Full address of the person deceased – \_\_\_\_R/o \_\_\_\_

3- Age of the person deceased – \_\_\_\_

4- Occupation of the person died – \_\_\_\_

5- Name and address of employer – \_\_\_\_

6- Monthly income of the person – \_\_\_\_

7- Does the person in respect of whom the compensation is claimed pay income tax, if so, state the amount of tax paid ? – \_\_\_\_

8- Place, date and time of accident – The accident took place on \_\_\_\_ at about \_\_\_\_ at \_\_\_\_ within the jurisdiction of \_\_\_\_.

9- Name & address of the police Station in whose jurisdiction The accident took place and the case Was registered – Police Station\_\_\_\_ where the FIR No\_\_\_\_ dated \_\_\_\_U/s. \_\_\_\_ IPC was got registered against the respondent No.1

10- Was the person in respect of whom the compensation is claimed was traveling in the motor vehicle involved in the accident – \_\_\_\_

11- Nature of injuries sustained – \_\_\_\_

12- Name & address of the Medical Officer, if any, who attended the deceased – \_\_\_\_

13-Period of treatment and expenditure – if any ? – \_\_\_\_

14- Registration No. & type of the vehicle involved in the accident. – \_\_\_\_

15- Name & address of owner of the offending vehicle – \_\_\_\_

16-Name & address of driver of offending vehicle. – \_\_\_\_

17-Name & address of the insurer of the offending vehicle. – \_\_\_\_

18- Has any claim been lodged with the owner /insurer of the offending vehicle – \_\_\_\_

19- Name & address of the applicants – \_\_\_\_

20- Relationship with the deceased – \_\_\_\_

21-Titlte to the property of the deceased – \_\_\_\_

22-Amount of compensation claimed – \_\_\_\_

23- Whether the claim petition is within time. – \_\_\_\_

24-Any other information that may be helpful in disposal of the claim petition – \_\_\_\_

25-Brief Description of the Accident:-  That on \_\_\_\_ at about \_\_\_\_ the deceased was going to \_\_\_\_ on his \_\_\_\_ and when he reached near \_\_\_\_ in a very slow and moderate speed on the left side of the road meanwhile the respondent No.1 driving the \_\_\_\_ rashly, negligently, carelessly without blowing any horn and in a high speed hit the \_\_\_\_ of the deceased from \_\_\_\_side while coming towards \_\_\_\_ side. Due to the hit the deceased fell down on the road sustained multiple grievous injuries on his \_\_\_\_ and body. The accident has been caused by the negligent and rash and careless driving by the respondent No.1.

PRAYER:-

It is therefore, prayed that the petition of the petitioners may kindly be accepted and an award of \_\_\_\_ /- (\_\_\_\_ only) under section \_\_\_\_ of the \_\_\_\_ along with interest @ \_\_\_% p.a. from the date of accident till the date of realization of the amount in full may kindly be passed in favour of the petitioners and against the respondents jointly and severally with costs of the petition.

It is further prayer that an award of \_\_\_\_ /- under section\_\_\_\_ of the \_\_\_\_ Act, under No Fault liability may also kindly be passed in favour of the petitioners and against the respondents jointly or severally.

                                                                                                                                                                                        PETITIONERS

Through counsel \_\_\_\_ Advocate, \_\_\_\_

VERIFICATION

Verified that the contents of our above petition from Para No.1 to 25 are true and correct to the best of our knowledge and belief. The last Para is the prayer before this Hon’ble Tribunal  
Verified at \_\_\_\_ on \_\_\_\_\_\_\_\_\_\_

                                                                                                                                                                                        PETITIONERS

c

Precedent No. 23

AFFIDAVIT: IN A CIVIL REVISION

PETITION - SEEKING INJUNCTION

BEFORE THE HON'BLE HIGH COURT OF

Civil Miscellaneous Petition No of 20

In

Civil Revision Petition No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT of S/o , aged years,

residing in

The deponent abovenamed, hereby solemnly affirms and declares as follows:—

1. That the deponent is the Petitioner in the Civil Revision Petition referred to  
above. Being well conversant with the facts and circumstances of the  
present case, the deponent is fully competent to swear to this authority.  
The deponent will be referred to as the petitioner hereinafter.

2 That the said Revision Petition is filed against the Order dated ,

in O.S. No of on the files of the Principal Sub-Judge,

3. That the said suit was filed by the Petitioner seeking the issuance of,  
inter alia, a decree of permanent prohibitory injunction to the defendant  
restraining him from disposing of the suit property to a third party. An

application, I.A. No , for temporary injunction was also filed

alongwith the suit, with a view to restrain the respondent-defendant from disposing of the suit property to a third party during the pendency of the suit.

4. That it is submitted that inspite of repeated request made by the  
petitioner's counsel, the learned sub-Judge did not take up the same for  
hearing. Finally, when the petitioner's counsel repeatedly pressed for  
hearing the interlocutory application, the respondent's lawyer made an  
oral application to decide the question of maintainability of the suit and  
jurisdiction as a preliminary question. Accordingly, without hearing the  
injunction application, the learned sub-Judge passed an Order dated

finding the issue of jurisdiction and maintainability against the

petitioner.

1. That it is aggrieved by the abovesaid Order that the said Revision Petition is filed.
2. That it is further submitted that taking undue advantage of the aforesaid situation, the respondent has speeded up his negotiations with prospective buyers to dispose off the suit property.
3. That if the respondent is allowed to carry on with the said negotiations and eventually give shape to his dishonest and malicious intention to dispose off the suit property during the pendency of the suit, the very purpose of the suit will stand defeated and the petitioner will suffer such irreparable injury as will not be capable of being remedied by way of damages.

That the grant of the injunction in favour of the petitioner will not, in any case, adversely affect jeopardize the respondent's lawful rights during the pendency of Civil Revision. Therefore, the balance of convenience is in favour of the injunction being granted.

It is, therefore, just and necessary that this Hon'ble Court may be pleased to pass an Order of ad interim injunction restraining the respondent from disposing off the suit property to any third party during the pendency of the suit.

SdJ Deponent.

Verification

Verified at on this the day of ,20 , that

the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided and only facts be stated in affidavit to the possible extent.

Precedent No. 41

AFFIDAVIT: IN A CIVIL REVISION

PETITION - SEEKING STAY

BEFORE THE HIGH COURT OF

Civil Miscellaneous Petition No of, 20

In

Civil Revision Petition No of

Petitioner:

Vs.

Respondent:

AFFIDAVIT of D/o , aged years,

now residing in ……………………..

The deponent named above hereby solemnly affirms and states as follows:—

1. The deponent is the petitioner in the Civil Miscellaneous Petition and the  
   Civil Revision Petition referred to above. The deponent herein is well  
   acquainted with the facts and circumstances of the case and being so,  
   stands fully competent to swear to this affidavit. The deponent herein will  
   be referred to as the petitioner hereinafter.

2 It is respectfully submitted that the maintainability of the appeal referred

to above was questioned by the petitioner vide I.A. No before

the district Court on a preliminary ground. The said Court dismissed the

said application by its order dated aggrieved by which the

abovementioned Revision Petition has been filed by the petitioner.

1. For the sake of brevity, the contents of the Memorandum of Civil Revision Petition may be read as part of this affidavit.
2. It is further submitted that the petitioner bona fide believes that the Revision Petition is most likely to be allowed by this Hon'ble Court and the order of the Court below set aside and a declaration made that the appeal is not maintainable.
3. In view of the aforementioned circumstances, it is clear that if without hearing the maintainability of the appeal, the same is allowed to be proceeded with and heard on merits, the petitioner will suffer irreparable loss and injury.
4. It is, therefore, in the interest of justice, equity and conscience that this Hon'ble Court may stay all further proceedings in the aforesaid appeal until the accompanying Civil Revision Petition is finally disposed of.

Sd./ Deponent.

Verification

Verified at on this the day

of , 20 , that the contents of the above affidavit are true and

correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided from affidavits and only facts be stated therein.

Precedent No. 41

AFFIDAVIT: IN A CIVIL REVISION

PETITION - SEEKING STAY

BEFORE THE HIGH COURT OF

Civil Miscellaneous Petition No of, 20

In

Civil Revision Petition No of

Petitioner:

Vs.

Respondent:

AFFIDAVIT of D/o , aged years,

now residing in……………………………………………………………………………………………..

The deponent named above hereby solemnly affirms and states as follows:—

1. The deponent is the petitioner in the Civil Miscellaneous Petition and theCivil Revision Petition referred to above. The deponent herein is well acquainted with the facts and circumstances of the case and being so, stands fully competent to swear to this affidavit. The deponent herein will be referred to as the petitioner hereinafter.
2. It respectfully submitted that the maintainability of the appeal referred to above was questioned by the petitioner vide I.A. Nobefore

the district Court on a preliminary ground. The said Court dismissed the said application by its order dated aggrieved by which the

abovementioned Revision Petition has been filed by the petitioner.

1. For the sake of brevity, the contents of the Memorandum of Civil Revision Petition may be read as part of this affidavit.
2. It is further submitted that the petitioner bona fide believes that the Revision Petition is most likely to be allowed by this Hon'ble Court and the order of the Court below set aside and a declaration made that the appeal is not maintainable.
3. In view of the aforementioned circumstances, it is clear that if without hearing the maintainability of the appeal, the same is allowed to be proceeded with and heard on merits, the petitioner will suffer irreparable loss and injury.
4. It is, therefore, in the interest of justice, equity and conscience that this Hon'ble Court may stay all further proceedings in the aforesaid appeal until the accompanying Civil Revision Petition is finally disposed of.

Sd./ Deponent.

Verification

Verified at on this the day

of , 20 , that the contents of the above affidavit are true and

correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided from affidavits and only facts be stated therein.

Precedent No. 43

AFFIDAVIT: IN A RENT CONTROL APPEAL –

SUPPORTING AN APPLICATION

FOR STAY

BEFORE THE HON'BLE DISTRICT COURT AND RENT CONTROL

APPELLATE AUTHORITY,

I.A. No of 20

In

R.C.A. No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT of ,

S/o ,

aged years,

now residing in

The deponent abovenamed hereby solemnly affirms and declares as follows:—

1. The deponent is the applicant in the appeal referred to above and the petitioner in the accompanying petition. The deponent, being well conversant with the facts of the case, stands fully competent to swear to this affidavit. The deponent will be referred to as the petitioner hereinafter.
2. The appeal referred to above has been preferred against the order allowing eviction of the petitioner herein, on the ground of misuse.
3. It is the bona fide belief of the petitioner herein that the appeal referred to above will be allowed considering the fact that the grounds urged in the Memorandum of Appeal are valid and completely sustainable.
4. The allegation of the misuse of the rented premises, as put by the respondent, is absolutely false and a mere figment of his over-working imagination employed by him with a view to forcibly evict the petitioner from the rented premises.
5. It is respectfully submitted that mere keeping of the garments in one of the rooms of the rented premises does not, by any stretch of imagination, amount to misuse of the same. The petitioner brings back the unsold garments from his nearby shop due to lack of proper security in the area and there is not a grain of truth in the allegation that the petitioner has started using the rented premises to sell the garments.
6. It is further submitted that the petitioner is a man of very limited means and has a large family to support and his eviction from the aforesaid premises would adversely affect his interests.
7. As is abundantly clear, the respondent is bent upon employing the legal machinery to execute his malicious and dishonest intention of letting the rented premises to a third party at an exorbitant price.
8. If the respondent is allowed to execute the order of eviction, pending the disposal of the appeal, it will cause irrepairable loss to the petitioner.

9. It is, therefore, in the interest of justice, equity and conscience that this Hon'ble Court be pleased to stay all further proceedings pursuant to the order dated……………… R.C.P. No………………… of the Additional Munsiff

(Rent Control) Court, pending final disposal of the above

R.C.A.

Sd./ Deponent.

Verification

Verified at on this the day

of ,20 , that the contents of the above affidavit are true

and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be deleted from affidavit to possible extent.

Precedent No. 35

AFFIDAVIT: IN AN APPEAL - SEEKING

TEMPORARY INJUNCTION

BEFORE THE HON'BLE DISTRICT

COURT,

I.A. No of 20

In

C.M.A. No of 20

Petitioner/Appellant:

Vs.

Respondent:

AFFIDAVIT of , S/o , aged

years, now residing in

1. The deponent abovenamed hereby solemnly affirms and states as follows:—
2. That the deponent is the petitioner in the Application and the appellant in the appeal referred to above. The deponent is well conversant with the facts and circumstances of the present case and stands competent to swear to this affidavit.
3. That the said appeal is preferred against the order dismissing an application for temporary injunction restraining the respondent from letting out waste water from her property into the property of the deponent until the suit is finally disposed of.
4. That the respondent is a neighbour of the property of the deponent where the deponent's factory is situated. She does not have any right to create difficulties or cause nuisance to the deponent or his employees and workmen. There is a clear-cut boundary delineating and separating the deponent's factory compound and the compound of the residence of the respondent. She has got ample space to create sewage facilities to send out the waste water in her property to the public canal maintained by the
5. Municipality. It is induced by the malice and with a view to create difficulties and causing nuisance to the deponent that she has stopped the flow of waste water into the canal and facilitated the flow of waste water into the property of the deponent causing considerable damage to the latter.
6. That it may also be mentioned that the respondent was willing to purchase the property which is presently owned by the deponent from its previous owner and ever since the deponent purchased the said property and set-up the factory, the respondent started attempting one way or the other to cause obstruction in the proper running of the deponent's factory.
7. That the deponent made requests to the respondent repeatedly to put an end to her nefarious and mischievous activities. However, all the requests of the deponent have fallen on deaf ears and the respondent continues to carry on the aforesaid activities till date.

7. That it was with the abovementioned grievance that the deponent

Found himself forced to file a suit, O.S. No …….. on ……………., against

the respondent before the Hon'ble Subordinate Judge's Court,

8 That the said Hon'ble Court, however, passed an order dated  
 disallowing the grant of permanent prohibitory injunction against the

respondent herein.

9. That it is aggrieved by the aforesaid order that the deponent preferred

the appeal referred to above on

1. That it is respectfully submitted that the facts disclosed in the appeal and in the affidavit and the documents produced by the deponent will show that he has a prima facie case.
2. If the injunction sought is granted in favour of the deponent, the respondent will suffer no harm whatsoever as she can conveniently let out the waste water into the public canal as she was doing earlier. On the other hand, if the injunction sought is not granted in favour of the deponent, he is bound to suffer irrepairable loss and injury incapable of being adequately remedied by damages, considering the fact that the waste water let out by the respondent will flood the compound of the deponent's factory and will not only hamper the activities carried on in the deponent's factory but also pose a grave health hazard to the deponent and the workers in his factory.
3. In view of the aforementioned circumstances, it is just and necessary that this Hon'ble Court may be pleased to pass an ex parte order of temporary injunction restraining the respondent herein or her employees, servants, agents or representatives from letting out the waste from her property into the property of the deponent until the suit is finally disposed of.

Sd./ Deponent.

Verification

Verified at on this the day of , 20...., that the contents of

the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be deleted from affidavit as facts normally are give therein.

**Affidavit in Anticipatory Bail Application**

BEFORE THE HON'BLE COURT OF…………………..

Affidavit

In

Anticipatory Bail Application No. ………………… of …….

(Under Section 438, Cr.P.C.)

District…………………………………………………………………….

Sri. ……………………………………………….

S/o……………………………………………….

R/o………………………………………..……..

P. S. ……………………………………………...

District ……………………………

.. …*Applicant*

*Versus*

Affidavit of Sri. ……………………………………..

aged about .………..

S/o ………………………………………………………..

R/o …………………………………………………….…

P.S………………………………………….….…………

District …………………………………………………..

…*Deponent*

I, the deponent above named do hereby solemnly affirm and state on oath asunder:

1. That the deponent is the pairokar of the applicant and as such he is fully acquainted with the facts of the case deposed to below.

2. That the contents of the aforesaid anticipatory bail application are true and correct to the best knowledge and belief of the deponent.

3. That no other bail application of any kind on behalf of the applicant has ever been filed in the aforesaid case either in this Court or before any other Court.

*Deponent*

I, ......................................................... the above named deponent do hereby solemnly affirm that the contents of this affidavit are true to the best knowledge and belief of the deponent.

Verified on ……………………………….……… Identified by ……………………………..……………

*Date*…………………………….………

*Advocate Deponent*

**Affidavit ………………………….. Proceedings**

BEFORE THE DISTRICT MAGISTRATE, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Affidavit of Mr. ……………………,

aged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_ years

S/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, the above name deponent solemnly affirm and state on oath as under:

1. That the deponent has applied before your Honour for the resumption of Indian Citizenship, and hence is fully conversant of the facts deposed below.

2. That the deponent was born in \_\_\_\_\_\_\_\_\_\_\_\_ Hospital on \_\_\_\_\_\_\_\_\_\_\_.

3. That the full Name of the father of deponent is ……………...

4. That the deponent has ceased to be any Indian Citizen by virtue of sub section (1) of Section 8 of the Indian Citizenship Act, 1955, on …………………… because of reason that the father of deponent Mr. …………………………………has renounced his Indian Citizenship on the said date.

5. That deponent declares his intention to resume Indian Citizenship and applied to the Central Government to register this declaration.

Deponent

**VERIFICATION**

I,…………………………….………, the above named deponent do hereby verify that the contents of this affidavit form paras 1 to 5 are true to the best of my knowledge and belief. Nothing material has been concealed.

Deponent

AFFIDAVIT IN SUPPORT OF APPLICATION FOR MAINTENANCE PENDENTE LITE AND FOR EXPENSES OF THE PROCEEDINGS

In the Court of Addl. District Judge IV . ............

Petition No . of

Shri A Petitioner/Opposite Party

vs

Smt. B Respondent/Applicant

Affidavit of Smt. B aged about ………………..years,

wife of Shri A, resident of ……………………………………………………………………

I, Smt. B, aged about ………………..years,

wife of Shri ………………………………………………………………………………………….

resident of ………………………………………………………………………………………..... do hereby solemnly affirm and state as follows:

1 . That I am the respondent in this petition for divorce and as such fully acquainted with

the facts deposed to below.

2. That my husband Shri A has filed a petition for divorce against me before this

Court being No ………………..of

3. That I have no source of income for my support and to defray the expenses of the proceedings filed by the petitioner.

4. That I do not own any property and have no earning on my own.

5. That the petitioner Shri ………………..is employed as an officer in ………………..Bank

working in ………………………….. branch ………………….……..and ………………..getting a

salary of Rs ………………..p.m.

6. That the petitioner Shri …………………………………….…….. is also having a house at his native place, which he has leased to at a monthly rent of Rs .

7. That the petitioner Shri ……………………………….…………….. has no dependants to support.

8. That there is no living child out of the marriage.

I, Smt. B, the above named deponent, hereby declare and verify that the contents of paras 1 to 8 are true to my personal knowledge, nothing material has been concealed and no part of it is false. So help me God.

Verified at ………………..on this ………………..day of ………………..20 ………………..

Date ……………….. Deponent

Precedent No. 86

AFFIDAVIT: IN SUPPORT OF APPLICATION

FOR THE REGISTRATION OF WILL OF THE

TESTATOR, BEFORE HIS DEATH

BEFORE THE SUB-REGISTRAR,

In the matter of registration of the WILL executed by Shri …………………….

son of …….resident of………………………………..

AFFIDAVIT of ……., S/o…………………….. , aged about

years, residing in and ,

S/o , aged about years, residing

in …………………………….

We, the abovenamed deponents, do hereby solemnly affirm and state as under:

1.That we, the deponents, are the witnesses to the execution of the Will

executed by Shri on and as such

fully acquainted with the facts deposed to below.

2. That the aforesaid testator Shri executed his last Will on

, in our presence.

1. That the testator was healthy and of sound mind at the time of
2. execution of the Will.
3. That the testator executed his Will on of his own

free Will.

1. That the testator has signed the Will after reading and understanding

its contents in our presence.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the

best of my knowledge, belief and information and nothing material has been

concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally

known to me, on this the day of ,20

Sd./ Notary.

**AFFIDAVIT IN SUPPORT OF PETITION FOR DIVORCE WITHIN A PERIOD OF ONE YEAR OF MARRIAGE**

In the Court of District Judge . ............

Application No . ………………..of ………………..

In

Suit No …………… ………………..of ………………..

  Smt. A ................................................. Applicant/Petitioner

Vs

Shri B……………………………………................…… Opposite Party/Respondent

I, Smt. A, aged about ………………..years, wife of Shri …………………………………………………..resident of

………………………………………………………………………………….. do solemnly affirm and state as follows:

1. That I am the petitioner in the above noted petition and as such fully acquainted with the facts deposed to below.

2. That I was married with Shri ……………..………..at ……………….…………..with Hindu rites and thereafter the petitioner went to reside at ………………………..………..being the place of the respondent's residence.

3. That on the first night of the marriage, the respondent came drunk and started to quarrel with me on the ground that my father has not given sufficient dowry in marriage. I said to him that my father has given dowry as per his financial capability and he cannot give more dowry, and on this, the respondent started abusing me in the most coarse and insulting language and started beating with his fists and cane. I was saved by the relatives present in the house, who came to attend the marriage.

4. That on the next day I came back to my father's residence.

5. That on ……………………………………….…..the respondent came to my father's place and requested me to come to his place and he promised that he shall behave properly in future. I accompanied him to his house on ......................................................

6. That the respondent behaved properly for three days, and thereafter on the night of ……………………..………………..he came drunk and started to abuse me in the most vulgar and insulting language on the ground that why my father cannot give

Rs …..……………..to him for starting business.

7. That I came to know from the talks between the respondent and his friends that the respondent is engaged in smuggling of gold, drugs, etc., and he remains in the company of the smugglers.

8. That on the night of ……………………..the respondent without provocation, threw a knife at me, thereby inflicting a severe wound in my right hand and kicked off the kettle; in which water for preparation of tea for the respondent's brothers was being boiled causing severe burns on my left hand.

9. That due to great and continued cruelty practised on me by the respondent, I left his

house on ……………….. and came to the house of my father at

………………..and from and after the said date I am living separately.

10. That I have not submitted any application under section 14 of the Hindu Marriage Act, 1955 to present the petition before the expiry of one year since the date of marriage, before this court or any other court.

11. That there is no living children of the marriage.

12. That the attempts for reconciliation were made by the relatives of both the parties during the months of ………………..but there is no reasonable probability of reconciliation between the parties.

13. That the above circumstances show that my case is one of exceptional hardship to me and in the interest of justice, I should be granted a decree of divorce with the respondent and for that purpose may be allowed to submit application for divorce before the elapse of one year since the date of marriage.

I Smt. A, above named do hereby verify that the contents of paragraphs 1 to 12 are true to my knowledge and the contents of paragraph 14 are based on legal advice, which I believe to be true. Nothing material has been concealed and no part of it is false. So help me God.

Verified at ………………..on this ………………..day of ………………..20 ………………..

Date ……………….. Deponent

Precedent No. 65

AFFIDAVIT: IN SUPPORT OF PETITION

UNDER SECTION 125 OF THE CODE

OF CRIMINAL PROCEDURE, 1973[[1]](#footnote-1)

IN THE COURT OF METROPOLITAN MAGISTRATE,

In

Criminal Complaint No ……………of 20………….

Petitioners/Complainants:

Vs.

Respondent:

AFFIDAVIT of , D/o , aged years,

presently residing in………………………

The deponent abovenamed solemnly declares and affirms as follows:—

1. That, I am petitioner No. 2 in the accompanying petition and I am fully conversant with the facts and circumstances of the case. I am competent to swear to this affidavit.
2. That, I am the natural mother of petitioner No. 1 and the respondent herein is her natural father.
3. That petitioner No. 1 is an infant girl of 2.5 months in my custody and care.
4. That, whatever I have stated in the accompanying petition under section 125 of the Code of Criminal Procedure, 1973, has been read over and explained to me
5. and I have understood the contents of the same, which are true and correct to my knowledge and information received. The same may kindly be read as a part of this affidavit to avoid repetition and for the sake of brevity.
6. The said petition has been drafted by my counsel under my instructions.

Sd./ Deponent.

Verification

Verified at on this the day of , 20

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

***[See Rule 67]***

**IN THE HIGH COURT AT.............**

***Company Application No.* ……… *of 20*…….**

**.........………. Applicant (s).**

**Affidavit in support of Summons**

I, …………………………………... of etc., solemnly affirm and say as follows:-

1. I am the managing director/secretary/director/.................../of the said company, (or an auditor of the said company authorised by the directors to make this affidavit/or liquidator of the said company in liquidation).

2. The company was incorporated on ………………. 20………… The document now produced and shown to me is a printed copy of the memorandum and articles of association of the said company, and also contains copies of all the special resolutions which have been passed and are now in force.

3. The registered office of the company is situated at …………………………………………

4. The capital of the company is Rs. …………………………... divided into …………..…………… (here set out the classes of shares issued and the amounts paid up on each share).

5. The objects of the company are set out in the memorandum of association annexed hereto. They are briefly (here set out the main objects in brief).

6. The company commenced the business of ………………….. (e.g. hides and skins, etc.) and has been carrying on the same since.

7. [Here set out in separate paragraphs the circumstances that have necessitated the proposed compromise or arrangement, the objects sought to be achieved by it, the terms of the compromise or arrangement, and the effect, if any, of the compromise or arrangement on the material interests of the directors, managing director, or the manager of the company, and where the compromise or arrangement affects the interests of the debenture-holders, its effect on the material interests of the trustees of the debenture trust deed. A copy of the proposed compromise or arrangement should be marked as an exhibit and annexed to the affidavit).

8. [Here set out the class of creditors or members with whom the compromise or arrangement is to be made ; where the arrangement is between the company and its members, it should be stated whether any creditors or class of creditors are likely to be affected by it.]

9. It is necessary that a meeting (or meetings) of the creditors/members (if the meeting is to be only of a class of creditors or a class of members, it should be so stated) should be called to consider and approve the proposed compromise or arrangement.

10. It is suggested that the meeting (or meetings) may be held at the premises of the registered office of the company or at such other place as may be determined by the Court, and on such date(s) and at such time(s) as this Court may direct and that a chairman may be appointed for the meeting (or for each of the meetings) to be held.

11. It is suggested that notice of the proposed compromise or arrangement and of the meeting may be published once in (here set out the newspapers) and in such other manner as the Court may direct.

12. It is prayed that necessary directions may be given as to the issue and publication of notices and the convening, holding and conducting of the meeting(s) proposed above.

Solemnly affirmed, etc.

(Sd.) ………..

Before me

(Sd.)..............

Commissioner for Oaths.

\*

Precedent No. 87

AFFIDAVIT: IN SUPPORT OF

THE APPLICATION FOR THE

REGISTRATION OF THE WILL

OF THE TESTATOR, AFTER

HIS DEATH

BEFORE THE SUB-REGISTRAR,

In the matter of registration of the will executed by

Shri

S/o………………………. resident of

AFFIDAVIT of ,

S/o

Aged about years,

residing in

I, the abovenamed deponent, do hereby solemnly affirm and state as under:—

1. That I am the executor under the Will and as such fully acquainted with the facts deposed to below.
2. That Shri the testator executed a Will on ,

regarding his property and I am the executor of the said Will.

3. That at the time of the execution of the Will, Shri was

healthy and of sound mind.

4. That suddenly, on or about , the testator met with a car

accident and died in hospital, on

5. That the testator executed the Will and attested in the presence of Shri

and Shri , who have affirmed an affidavit,

which is annexed to this affidavit as Annexure A.

1. That due to the sudden death of the testator, the said will could not be

registered during the lifetime of Shri

1. That the aforesaid Will is the last will of the testator.

Sd./ Deponent.

Verification

Verified at on this the day of

20 , that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./ Notary.

***[See Rule 38]***

**IN THE HIGH COURT AT.............**

***Company Petition No.* ………. *of 20***…….

……………………………………………. Co. (Ltd.) - Petitioner.

**Affidavit in support of the petition and the summons for**

**Directions**

I, ……………………………………….. ., solemnly affirm and say as follows:-

1. I am the Chairman of the Board of Directors/a Director/……………….……… of the abovenamed company, and I have been a director of the company since …………..………… 20…………………

2. I have read the petition now shown to me and marked '…………………………' and state that the statements made in paragraphs 1 to 10 thereof are correct and true to my knowledge.

3. The printed copy of the memorandum and articles of association with a copy of every special resolution of the company now in force and annexed thereto (other than the special resolution referred to in the petition), now shown to me and marked '…………………………….' is a true and correct copy of the said memorandum and articles.

4. The general meeting referred to in paragraph 6 of the petition was duly conveyed in pursuance of the notice now shown to me and marked '………………………………..'. A copy of this notice was duly sent out to all the shareholders in accordance with the provisions of the Act and the articles of association.

5. I was the Chairman (or was present) at the meeting held in pursuance of the said notice at which the special resolution referred to in paragraph 6 of the petition was passed (or Shri ……………………..……………… was the chairman of the meeting). The said resolution was duly passed in accordance with Section 189 of the Companies Act, 1956, unanimously (or by a majority of …………………………… votes against ……….. votes). The book now produced and shown to me and marked '…………………….……' is the Minute Book of the Company, containing minutes of proceedings at general meetings of the company, and the proceedings of the meeting held on the said …………. day of 20……., have been correctly recorded therein.

6. It is prayed that directions may be given as to the date of the hearing and the advertisement of the petition.

Solemnly affirmed etc.

(Sd) …………

**AFFIDAVIT IN THE MATTER OF FILING OBJECTION FOR WRONG INCLUSION OF ASSETS BELONGING TO OTHERS**

Before the Assessing Officer, Ward No ……….. ........................

Circle ................

In the matter of assessment proceeding of Shri……………………..PAN

…………………………………

Affidavit of…………………… aged about …………………….years, son of

……………….resident of…….………...

I,………………………above named deponent, do solemnly affirm and state on oath as under:

1 . That I am the assessee in the above noted proceedings and as such fully conversant with the facts deposed to below.

2. That I am a doctor carrying on the business of practice in medicine at ……………………,

since …………………….……………

3. That report of the Income-tax Inspector that the chamber in which I am practising and the house, in which I am staying belongs to me, is absolutely false.

4. That Shri ……..........................son of resident of ………........................is the owner of the chamber, in which I am practising and I have taken the said chamber on lease from him and I am paying Rs. .........................…p. m. as lease rent to its owner. The copy of the lease deed and receipt of lease rent for the month of ………20………..is enclosed and collectively marked as Annexures 1.

5 That the House No ………….. at…………..in which I reside was constructed by my father-in-law late Shri who was a reputed doctor of and was earning from his private practice to the tune of Rs ……… per year, and he was income-tax assessee with PAN …….......with…………………..Ward, Circle…………………………..

After his death, my wife being his only daughter inherited the said house in terms of his will dated and she is now the owner of the said house in terms of the will of late Dr ………………..who has clearly stated that Smt will be the absolute owner of the said house.

6. That the returns filed by me are correct and the Income-tax Inspector has made wrong report about my income and assets.

7. That the assessment be made on my income, as shown in the return filed by me.

I . ……………………….the above named deponent, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my knowledge and that the contents of paragraph 7 are my submission to this Honourable Assessing Officer.

Verified at……………………. this…………………the day of ………………………….

Date…………… Deponent

Precedent No. 83

AFFIDAVIT: ISSUANCE OF DEATH

CERTIFICATE

BEFORE THE REGISTRAR OF BIRTHS AND DEATHS,

Affidavit in an Application for a certificate for Registration No

of, 20

AFFIDAVIT of ,

S/o ,

Aged …………………. years

esiding in ………………………………

The deponent abovenamed hereby solemnly affirms and states as follows:—

1. My mother died a peaceful and natural death on
2. I have already applied for the Certificate of Administration of the estate left behind by my deceased mother as I am her only surviving legal representative.
3. For the purpose of issuing the aforesaid certificate, the Administrator-General of has directed the production of a certificate of

death of my deceased mother from the competent authority.

1. The death of my mother has been duly notified to the Registrar.
2. It is, therefore, just and necessary that the Registrar may be pleased to issue a Death Certificate in respect of my mother's death, so that I can produce the same before the aforesaid Administrator-General to obtain the certificate of Administration.

Sd./ Deponent.

Verification

Verified at on this the day of , 20

that the contents of the above affidavit are true and correct to the best of my knowledge,

elief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./ Notary.

Precedent No. 2

AFFIDAVIT:

ISSUE OF

NOTICE

BEFORE THE HON'BLE SUBORDINATE JUDGE'S COURT,

E.P. No of 20

In

O.S. No of 20

Decree-Holder:

Vs.

Judgment-Debtors:

AFFIDAVIT

I, ……………………….,

S/o ,………………………

aged years,

General Manager Pvt. Ltd., do hereby solemnly affirm and state as follows:—

1. I am the General-Manager of the Decree-Holder Company. I am well acquainted with the facts of the case stand fully competent and duly authorised to swear to this affidavit on behalf of the Petitioner-decree holder.

2. It is respectfully submitted that the property of the

judgment-debtors has already been attached in execution as per

the order dated I.A. No of of this Hon'ble Court. The

judgment-debtors, inspite of having

sufficient means, are deliberately not making payment in discharge of the decree-debt. It was very well possible for them to pay the decretal amount in lump sum had they wanted to do so, but are defaulting deliberately. Therefore, the best possible option to exercise in the present situation would be to bring about the sale of the judgment-debtor's attached property.

3. It is, therefore, just and necessary that this Hon'ble Court may be  
pleased to bring the attached properties scheduled to the accompanying application to sale by issuing Order XXI, rule 66 notice to them.

It is verified that the facts stated above are true to the best of my knowledge, information and belief.

Sd./ Deponent

Verification

I, the abovenamed deponent, verify that the contents of this affidavit are true to the best of my knowledge, belief and as per the information received by me by experts and nothing material has been concealed therefrom.

Date:

Place:

Sd./ Deponent

Signed and affirmed before my presence by the abovenamed deponent who personally known to me, on this the day of ,20

Sd./

Counsel for the deponent

Note.—Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 79

AFFIDAVIT: LOSS OF PASSPORT

I,…………………… ,

S/o ……………………………………………..,

Aged……………… years

presently and permanently

residing in………………………..\

do hereby solemnly affirm and declare as follows:—

1……………I was holding a Passport bearing No…… as issued from the

Regional Passport Office, on The expiry date of

my passport was

1. I lost my hand-bag containing the said Passport and other articles in the Central Reference Library of Delhi University on
2. An F.I.R. reporting the aforementioned loss was lodged by me with the

Police-station on the very same day. However,

the Police Authorities have been unable to recover my Passport and the accompanying articles till date and I have received no intimation whatsoever from the aforesaid authorities regarding the said loss.

4 I have used my Passport on two occasions - while travelling to Italy

from to , and while travelling to America

from to

1. I am a resident Citizen of India.
2. As I wish to travel to America next month for the purpose of attending a prestigious conference, I need a Passport as early as possible.
3. I undertake to keep the new Passport with utmost care and caution, failing which I will be liable to any legal action, which the Government may be pleased and authorised to take under the Passports Act, 1967.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./ Notary.

**IN THE HIGH COURT OF JUDICATURE OF ……………….AT ………………**

C.M.P. No………….. of 20…….

*in*

S.A.No…………….. of 20……..

Between :-

…………………….

……………………. ...*Petitioner/Appellant*

*And*

Name and particulars

to be furnished … *Respondent*

**Affidavit of ……………., the petitioner herein**

I, …..……………………………………………………….….

S/o……………………………………..…….………………..

Hindu, aged about………………………………….. years, ……………………

R/o. ……………………………………..………………….

Taluk, …………………………………………..………. District, and now having temporarily come down to …………………………………………………………………, do hereby solemnly and sincerely affirm and state on oath as follows :-

1. That I am the petitioner herein and the Appellant in the above second appeal and as such I am well acquainted with the facts of the case.

2. I crave the leave of this Hon’ble Court to read the contents of the Memorandum of Grounds of second Appeal as part and parcel of this affidavit also for better appreciation of the facts and circumstances of the case.

3. I submit that the 1st respondent herein filed a suit O.S. No……….. ……… of ………..……… on the file of the Court of the District Munisf…………………………..., for specific performance of agreement of sale dt. ………… alleged to have been exhibited by the 1st defendant in the said suit in her favour and also for consequential relief.

4. I further submit that both the Courts below have disbelieved the agreement of sale and the suit was dismissed by trial Court. The Appellate Court also had agreed to the findings of the trial Court but erroneously having agreed with the finding of the trial Court has given a peculiar decree granting specific performance for an extent of Ac…………………….…….. cents only in Survey No……………………… excluding the extent covered by ………………….............. This approach of the Appellate Court is totally erroneous. Apart from it the subsequent even that a registered sale deed dt. ………. was executed in my favour. For that also for proper and valid consideration had not been taken note of by the Appellate Court. Apart from that when the Agreement of sale is disbelieved the considerable relief for specific performance of the partial modification of the decree by the Appellate Court, the 1st respondent is taking serious steps to execute the decree for Ac ……… cents only, since she has right to do so.

5. It is submitted that by oversight the Judgment and decree of the Lower Court made in O.S.No. …………………… of ……………….. on the file of the District Munisf, …………., dated ……….. is not applied alongwith the certified copies on A.S.No. ……………………..….. of ………. The said mistake on my part is neither intentional nor wanton. Typed copies of the judgement and decree are filed alongwith the above second appeal and hence it may be dispensed with for the present.

Under these circumstances, it is just and necessary in the interests of justice, that this Hon’ble Court may be pleased to :-

(i) stay the execution of the decree made in A.S.No. …….. of ……… on the file of the District Judge, dt. …………. partly allowing the Appeal for an extent of Ac……….. cents, reversing part of the decree and judgment made in O.S.No. ………. of …….. on the file of the Court of the District Munsif, …………. dt. …………, pending the disposal of the above second appeal;

(ii) to dispense with the filing of the certified copies of the judgment and decree made in O.S.No. ……. of …….. on the file of the Court of District Munsif, ……….. dated ……….. for the present;

and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case, or otherwise. I will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

Deponent

Before me

Solemnly affirmed at Hyderabad,

on this the …………………. of

and signed his name

Advocate Hyderabad in my presence.

\*

**IN THE HIGH COURT OF JUDICATURE OF …………. AT ……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. SR. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner/Petitioner*

*and*

……………………..

……………………. ….*Respondents/Respondents*

**Affidavit of …………….., the petitioner herein**

I, ……………………………………………………………,

S/o………………………………….. ……..…………, Hindu,

aged about ……………………………….……… years,

Occupation :…………………………………………..

residing at ………………………………..…………, do hereby solemnly and sincerely affirm and state on oath as follows :

1. That I am the petitioner herein and also in the above C.R.P. and as such I am well acquainted with the facts of the case.

2. I crave the leave of this Hon’ble Court to read the contents of the Grounds of Revision Petition as part and parcel of this affidavit.

3. I submit that C.M.A. No…………………………. on the file of the Court of the District Judge, …………….………., was dismissed for default on ……………….….. Unfortunately since I am residing at house No…………..………….., there is some communication gap. I also submit that however I filed an application for restoration of the said C.M.A. alongwith an application to condone the delay of …….. days. It is humbly submitted that since I was undergoing treatment I could not approach my counsel and accordingly I had explained the delay.

4. I further submit that unfortunately on ……………………..……. I.A. No……………….……… was dismissed for default and there was no communication in this regard till the month of……………………… when I went to attend a Marriage at …………………………. It is also submitted that I filled copy application and obtained certified copy and had approached the Advocate to present the Civil Revision petition against both the orders. It is also submitted that my absence on the relevant dates and the delay in filing the C.R.P. is due to my ill-health, ill-health of my daughter who was suffering from chronic disease and was hospitalized for more than thrice and due to my shifting to …….. because of which there was communication gap.

5. I also submit that I filed a suit O.S.No. …………….………….. on the file of the Court of the District Munsif, …………………….…………., for partition and I also filed I.A.No……………….. ………. seeking appropriate directions which was allowed directing the respondents to deposit Rs. …………………..…… per month. Aggrieved by the same, the respondents filed C.M.A………………………….….. on the file of the Court of the District Judge, ………., wherein the order was partly modified directing the respondents, to deposit Rs. ……….. per month and aggrieved by the same the respondent preferred C.R.P.No…………………………... on the file of this Hon’ble Court which was ultimately dismissed. Thus the direction to pay Rs……………… ………. per month became final but unfortunately the respondents had not complied with the said directions and consequently I filed an application I.A.No………………………….… for appointment of Receiver which was erroneously dismissed and as well as the said order. I preferred C.M.A. No…………………… on the file of the Court of the District Judge, ……………………..…. which was dismissed on ……………..…… I humbly submit that since I was not doing well and I was undergoing treatment I filed an application for restoration alongwith an application I.A.No……. for condoning the delay and the said application was also dismissed for default. Since I am preferring the C.R.P. against both the orders, I also humbly submit that for the reasons stated above the delay in presenting the above C.R.P. is to be condoned.

6. I also further submit that in the interests of Justice, since the 1st respondent is changing the tenants and therefore the 1st respondent may be directed to deposit Rs. …….. per month atleast from the month of ……….. i.e., the date of the order in C.M.A.No………. on the file of the Court of the District Judge,………..

Under these circumstances, it is just and necessary in the interests of Justice, that this Hon’ble Court may be pleased :

(i) To condone the delay of …………… days in filing the above C.R.P. before this Hon’ble Court;

(ii) To direct the 1st respondent to deposit Rs. ………… per month from ……….. onwards in pursuance of the orders passéd in C.M.A. No………… dated on the file of the Court of the District Judge, ………… as confirmed in C.R.P. No………., dated …………, on the file of the Court of this Hon’ble Court, pending the disposal of the above C.R.P. ;

and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in circumstances of the case, as otherwise I will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

Deponent

Before me

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

Advocate, ……………

**MEMORANDUM OF CIVIL MISC. PETITION**

(Under Section 5 of the Limitation Act)

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT…………….**

C.M.P. No……….. of …….. 20………..

in

C.M.A. No………… of 20……..

Between :

…………………… …*…Petitioner/Petitioner*

*And*

……………………. ….*Respondents/Respondents*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioner herein prays in the interests of Justice, that this Hon’ble Court may be pleased to condone the delay of ………… days in filing the above C.R.P. before this Hon’ble Court, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :………

Dated : ……….

Advocate for Petitioners

**MEMORANDUM OF CIVIL MISC. PETITION**

(Under Section 151 C.P.C.)

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT …………….**

C.R.P. No……….. of …….. 20………..

Between :

…………………… …*…Petitioner/Petitioners*

*and*

……………………. ….*Respondent/Respondent*

That for the reasons stated in the Affidavit herewith filed it is prayed that this Hon’ble Court may be pleased to direct R1 to deposit Rs. …………………..…/- per month from …………………….. onwards in pursuance of the orders passed in C.M.A.No…………………..…. dt…………………………. on the file of the Court of the Dist. Judge, ………………………………. as confirmed in CRP No……………………. dt…………………. on the file of the court of the Hon’ble Court, pending the disposal of the above CRP and pass such suitable orders.

Advocate for Petitioner

**IN THE HIGH COURT OF JUDICATURE OF …………. AT …..……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. SR. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner/Petitioner*

*and*

……………………..

……………………. ….*Respondents/Respondents*

**Affidavit of ………………………….., the petitioner herein**

I, ….…….……………………………………………………………………,

S/o. …………………………………………………….…………………, Hindu,

aged about …………………………………………………….…..… years,

Occupation : ……………………………………………..…..………..

residing at …………………………………………………..…..………

Quarters,…………………………………………………..………….., do hereby solemnly and sincerely affirm and state on oath as follows :

1. That I am the petitioner herein and also in the above C.R.P. and as such I am well acquainted with the facts of the case.

2. I crave the leave of this Hon’ble Court to read the contents of the Memorandum of Grounds of Revision Petition as part and parcel of this affidavit.

3. I submit that C.M.A. No…………………..……. on the file of the Court of the District Judge, ……….……………., was dismissed for default on ………………………..…….. Unfortunately since I am residing at H.No…………………………………..…., there is some communication gap. I also submit that however I filed an application for restoration of the said C.M.A. alongwith an application to condone the delay of …….. days. It is humbly submitted that since I was undergoing treatment I could not approach my counsel and accordingly I had explained the delay.

4. I further submit that unfortunately on …………………………………. I.A. No……………………..………… was dismissed for default and there was no communication in this regard till the month of…………… when I went to attend a Marriage at …………………………………….. It is also submitted that I filled copy application and obtained certified copy and had approached the Advocate to present the Civil Revision petition against both the orders. It is also submit that my absence on the relevant dates and the delay in filing the C.R.P. is due to my ill-health, ill-health of my daughter who was suffering from chronic disease and was hospitalized for more than thrice and due to my shifting to ………………………..….. because of which there was communication gap.

5. I also submit that I filed a suit O.S.No. ………………………………….. on the file of the Court of the District Munsif, ………………………………….., for partition and I also filed I.A.No. …………………….……. seeking appropriate directions which was allowed directing the respondents to deposit Rs. ……………………..… per month. Aggrieved by the same, the respondents filed C.M.A………………………….. on the file of the Court of the District Judge, ………., wherein the order was partly modified directing the respondents, to deposit Rs. ……….. per month and aggrieved by the same the respondent preferred C.R.P.No………………….….. on the file of this Hon’ble Court which was ultimately dismissed. Thus the direction to pay Rs. …………..…. per month became final but unfortunately the respondents had not complied with the said directions and consequently I filed an application I.A.No…… for appointment of Receiver which was erroneously dismissed and as well as the said order. I preferred C.M.A. No……… on the file of the Court of the District Judge, ………………………………. which was dismissed on ……………………….… I humbly submit that since I was not doing well and I was undergoing treatment I filed an application for restoration alongwith an application I.A.No……. for condoning the delay and the said application was also dismissed for default. Since I am preferring the C.R.P. against both the orders, I also humbly submit that for the reasons stated above the delay in presenting the above Civil Revision Petition is to be condoned.

6. I also further submit that in the interests of Justice, since the 1st respondent is changing the tenants and therefore the 1st respondent may be directed to deposit Rs. ……………………. per month atleast from the month of ……………………….. i.e., the date of the order in C.M.A.No………………………….. on the file of the Court of the District Judge,…………………………………….

Under these circumstances, it is just and necessary in the interests of Justice, that this Hon’ble Court may be pleased to condone the delay of ………. years, ……. months and ……. days in filing the above C.R.P. before this Hon’ble Court, and also to direct the 1st respondent to deposit Rs……… per month from………. onwards in pursuance of the orders passed in C.M.A.No……………………. of …………..… dated…………..………. on the file of the Court of the District Judge,……… as confirmed in C.R.P. No……………….of ……. dated……………….…….. on the file of this Hon’ble Court, pending the disposal of the above C.R.P. and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case, or otherwise I will be put to irreparable loss, grave suffering, great hardship and heavy injury.

Deponent

Before me

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

Advocate, ……………

**MEMORANDUM OF CIVIL MISC. PETITION**

(Under Section 151 C.P.C.)

**IN THE HIGH COURT OF JUDICATURE OF ……………… AT…………….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No……….. of …….. 20………..

Between :

……………………

…………………… …*…Petitioner/Petitioners*

*and*

…………………….

……………………. ….*Respondent/Respondent*

(The other respondents in the above

C.R.P. are not necessary parties to this

petition)

For the reasons and in the circumstances stated in the affidavit filed in support of the condone delay petition, the petitioner herein prays in the interests of justice that this that this Hon’ble Court may be pleased to direct the respondent herein to deposit Rs. ………………….… per month from ………………………….. in pursuance of the orders passed in C.M.A.No…………………………. dated……………….… on the file of the Court of the Dist. Judge, …………………….……. as confirmed in CRP No………………… dated……………………. on the file of the court of the Hon’ble Court, pending the disposal of the above CRP and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :………

Dated :………

Advocate for Petitioner

**IN THE HIGH COURT OF JUDICATURE OF ………….**

**AT ……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. SR. No………… of 20……..

Between :

……………………

…………………… *Petitioner*

*and*

……………………..

……………………. *Respondent*

**Affidavit of …………….., the petitioner herein**

I, ………………………………………………..………….……………….,

S/o……………………………………………………….…………………,

Hindu, aged about………… years,

Occupation : …………………………………………………………..,

residing at ………………………………………………………………..

Mandal, ……………………………………………………..………….. District, having temporarily come down to ………….., do hereby solemnly and sincerely state on oath as follows :

1. I am the petitioner herein and am well acquainted with the facts of the case.

2. I submit that the respondent herein who was a landlord of the demised premises to me filed R.C.C. No. ………………………..….. of ………………………………. on the file of P.D.M. cum Rent Controller, …………., seeking eviction on the grounds of willful default, acts causing wastage and impairment bona fide requirement and that I was not using the premises for the purpose for which it was let out.

(1) (i) I submit that the respondent landlord had infact alleged all these grounds without any substantiation and has infact not come before the court with clean hands and sought to evict me. I submit that I have put forth my contentions detailed before the Lower Court stating that infact the lease was taken by my father in the month of …………………………. on a monthly rent of Rs…………………….... per month with an advance of Rs…… and the respondent periodically enhanced the rents upto Rs. ……..…. and when he still sought to enhance the rent exorbitantly, for which I protested and for this reason the respondent landlord has sought to evict me basing on frivolous grounds of which were infact a pack of lies.

(ii) I humbly submit that the lower Court rightly and elaborately and reasonably has discussed all the points and struck out the R.C.C…. stating that the reasons put forth by the respondent landlord of are not true and correct. The lower appellate Court also has concurred with the findings of the lower Court regarding the ground of willful default, causing impairment to the premises and bonafide requirement of the landlord are false and has struckdown all these three grounds.

2. I humbly submit the Lower Appellate Court has unreasonably given an explanation regarding the fourth ground of myself putting use the demised premises for the purpose other than for which it was letout and the Courts below had directed me to vacate the premises within two months from the date of pronouncement of the order by the Lower Appellate Court.

3. I humbly submit that I have been using the premises for a non-residential purpose alone and I am not using it for any other purpose. The Lower Court based on conjectures and surmises has chosen to observe that though I am using it for non-residential purpose, it is being used for other purpose then it is actually letout for. Infact, the premises was given only for non-residential purpose and the said premises is being used for non-residential purposes alone.

For the reasons stated above, the petitioner herein prays that this Hon’ble Court may be pleased to stay the operation of the order of the learned Principal Subordinate Judge, cum Rent Control Appellate Tribunal………………………….…… in C.M.A.No……………………………. dated…………………………….. pending disposal of the above C.R.P.

Deponent

Sworn and signed before me on this the

…………. day of ……., ………at……..

Advocate,……………….

**MEMORANDUM OF CIVIL MISC. PETITION**

(Under Section 151 of C.P.C.)

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT…………….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No……….. of …….. 20………..

Between :

……………………

…………………… …..*Petitioners*

*And*

……………………

……………………. …..*Respondent*

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to say the operation of the order of the learned Principal Subordinate Judge, cum Rent Controller Appellate Tribunal …………………………………………… in C.M.A.No………………………….. dated…………….. pending disposal of the above Revision petition and pass such other order or orders as this Hon’ble Court cum Rent Control Appellate Tribunal deem fit and proper.

Place :……….

Dated :………

Advocate for Petitioner

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT…………….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No……….. of …….. 20………..

Between :

……………………..

……………………. *…..Petitioners/Petitioners*

*and*

…………………….

…………………… *.....Respondent/Respondents*

**Affidavit of ………………, the petitioner herein**

I, ……………………………………………..…..…………….

W/o……………………………………………………………, Hindu,

aged about………………………………………………… years,

Housewife, R/o……………………………..………..….

Road, ……………………………………………..……..…....

Town and ……………………………………………………..

Mandal, …………………………………………….………. District and now having temporarily come down to ………………..………………. do hereby solemnly and sincerely affirm and state on oath as follows :

1. That I am the petitioner herein and also the petitioner in the above Civil Revision Petition and also the petitioner in I.A.No. ……………………….... of …………………..……. in C.M.A.No. ……………….……. of ……………..……. on the file of the Court of the Vth Additional District Judge, ………………………..………….. and as such I am well acquainted with the facts of the case.

2. I submit that the plaint schedule property was originally assigned to one Sri…………………………………. in the year………………………… and inasmuch as he had violated the terms and conditions, the patta was cancelled in the year…………………..….. and after thorough enquiry and completing all the formalities, it was signed to me and I had constructed a pucca house in the said site and I obtained electricity service connection and I have been in actual possession and enjoyment of the same as the absolute owner thereof.

3. I further submit that it appears that the 1st respondent had obtained a money decree against one late Sri ……………………………………………………………….. in O.S.No. ………………………..……. of …… on the file of the Court of the I Additional Junior Civil Judge, ………………………………… and filed E.P.No………………. …… of …… to attach my house property, which is not liable to be sold in Court auction. It is humbly submitted that I filed E.A. No. ……… of the Court of the I Additional Junior Civil Judge,……………………………... under Order 21, Rule 58 C.P.C. and the said E.A. was dismissed though I had marked Exs. A-1 to A-7 and also examined P.Ws. 1 and 2 to prove my case. Aggrieved by the same, I filed C.M.A. No. ……………………... of ………………………….. on the file of the Court of the V Additional District Judge, ……………………….. and I also filed an application I.A.No……………………….….. of ……………………….……… for grant of stay, whereunder a direction was given not to confirm the sale only and aggrieved by the same, I am preferring the above C.R.P.

4. I crave the leave of this Hon’ble Court to read the contents of Memorandum of Grounds of Civil Revision Petition may be read as part and parcel of this affidavit also for better appreciation of the facts and circumstances of the case.

5. I humbly submit that I have strong ground and also I have prima facie case and the balance of convenience is also in my favour and in the said circumstances if the Hon’ble Court has not granted interim stay of all further proceedings in E.P.No. ……………….….. of …………………..…… in O.S.No…………………… of …. on the file of the Court of the I Additional Junior Civil Judge, ………………….….as otherwise, I will be put to irreparable loss, great hardship, heavy injury and unsustainable damage.

Under these circumstances, it is just and necessary in the interests of Justice, that this Hon’ble Court may be pleased to stay all further proceedings in E.P. No. …………………… of…………………… ……. in O.S.No…………………………. of …………………………….. on the file of the Court of the I Additional Junior Civil Judge,……. without reference to the order made in I.A.No………………………. of ….. in C.M.A.No…… of dated………. on the file of the Court of the V Additional District Judge, ………. pending the disposal of the above Civil Revision petition, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed…….

on this the ………of ……. and signed

his name in my presence.

Deponent

Before me

Advocate …………

**IN THE HIGH COURT OF JUDICATURE OF ………….**

**AT ……….**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner/Petitioners*

*and*

……………………..

……………………. ….*Respondent/Respondent*

**Affidavit of ………………., the 2nd Petitioner herein**

I, …………………………………………………………………….,

S/o. ……………………………………………………………. ,

S/o………………………………………………………….…...,

aged about ……………………………………..……….. years,

Occupation, …………………………………….………….,

residing ……………………………………..…..………….,

street………………………………………………,……………

Mandal, ……………………………………………………… District, do hereby solemnly and sincerely affirm and state on oath as follows :

1. That I am the ………………………………..………. petitioner herein and also the petitioner in the above C.R.P. and as such I am well acquainted with the facts of the case.

2. I submit that the ………………………………………... respondent herein filed a suit O.S.No. ………………………….. on the file of the Court of Senior Civil Judge, …………………………………….…, for partition and separate possession and the respondents ………………………….……. to …………………….…… herein are his sons. I submit that we are the sons of the younger brother of the 1st respondent and we were impleaded in the main suit only as co-shares and the dispute is only between the father and sons i.e., the respondents inter-state. I submit that the 1st respondent filed I.A.No. ………………………………….. in the said suit for appointment of Receiver and it appears that the Joint Memo. was filed before the Court below by the plaintiff and the Defendants …………………….……… to ……………………….. only making some arrangements and for non-compliance, the plaintiff filed I.A.No…………………. …….. under Section 151 of C.P.C. seeking directions to the defendants …………………………….…. to ………………………..…….. to deposit the amounts and consequently the present impugned order is passed, which virtually will affect out rights, since we are in actual possession of the plaint schedule properties and we have raised the standing crop. In the said circumstances we are necessary and proper parties in the above C.R.P. and we may be permitted to prosecute the present C.R.P. as otherwise we will be put to irreparable loss, grave suffering, great hardship, heavy injury, and serious loss.

Under these circumstance, it is just and necessary in the interests of justice, that this Hon’ble Court may be pleased to grant the leave of this Hon’ble Court to permit the petitioners to file the present C.R.P. before this Hon’ble Court and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Deponent

Before me

Solemnly and sincerely affirmed at …………..

on this the ………….. of …….…… and

signed his name in my presence

Advocate, ……………

**MEMORANDUM OF CIVIL MISCELLANEOUS PETITION**

**(Under Section 151 of C.P.C.)**

**IN THE HIGH COURT OF THE JUDICATURE OF …………………**

**AT ……………………**

C.M.P. No……….. of …….. 20………..

in

C.R.P. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner/Petitioners*

*and*

……………………..

……………………. ….*Respondent/Respondent*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioners herein pray in the interest of Justice, that this Hon’ble Court may be pleased to grant the leave of this Hon’ble Court to permit the petitioners to file the present C.R.P. before this Hon’ble Court against the order made in I.A.No………………………………………..…… of ……………………………….... in O.S.No……………………………. of ………………………………..…… on the file of the Court of the Senior Civil Judge, ……………………….……….., and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :……..

Dated : ………

Advocate for Petitioners\*

**IN THE HIGH COURT OF JUDICATURE OF ………………….AT ………………….**

*W.P. No.* ………… *of* …………..

Between :

A.B. … Petitioner

And

C.D. … Respondent

**Affidavit of ………………… the petitioner herein**

I, Sri. ..........................................……………………,

S/o……………………………………………....………………..,

Religion ……………………………………………………..….

aged ……………………………………………………….…… years,

occupation ……………………………………….…........,

R/o. ………………………………………….………………… and now having temporarily come down to ……………………, do hereby solemnly and sincerely affirm and state on oath as follows :-

1. That I am the Petitioner herein and as such I am well acquainted with the facts of the case.

2. I submit that …..……………………………… is a part of Inam village of ………………...………….. situated in ……………………..…............ Rural Mandal. It is a minor Inam covered by the provisions of …................. Inams Abolition and Conversion into Ryotwari Act, …………………………..……. It is submitted that my father late Sri. …………………………………………..…… purchased the entire block of………………………….. …………. acres of …………………………………………… from the original Inamdars of ……………………………………….. under a Registered Sale Deed dated ……………………………………… for proper and valid consideration and he was put into possession of the said property.

3. I further submit that relating to the Inam lands of …………………………………….. Sri……………………………….. ……………, during his lifetime was constrained to file certain writ petitions and certain villagers and also filed certain writ petitions relating to …………………………..……… lands. It is further submitted that in W.P. No. …………………………………... of ……………………..………….. and W.P. No. ……………...........… of ………….. appropriate directions were given to the Inams Deputy Tahsildar, ………………..……………….. to conduct an enquiry relating to grant of Ryotwari Pattas for ……………………………… lands and the said directions were confirmed in W.A. No. ……………………………… and ……………………………….. of …………………………………….

4. I further submit that the 2nd Respondent herein had conducted a thorough enquiry and rejected the claim of the 3rd Respondent for grant of Ryotwari Patta relating to …………………………… lands by his Order in proceedings S.R. No. …………………………..……, IDT No. ……………………… dated ………………..…….. It is submitted that as per the family partition, myself and my brothers, …………………………….. and …………..… claimed Ryotwari Patta for a portion of the ………….. lands which are described below :-

|  |  |  |  |
| --- | --- | --- | --- |
| Serial No. | Survey Nos. | Classification | Extent |
| 1. |  |  |  |
| 2. |  |  |  |
| 3. |  |  |  |
| 4. |  |  |  |
| 5. |  |  |  |

5. I also submit that for the rest of the properties of ..………………………………., the other family members of our family were granted a Ryotwari pattas. Thus for the aforesaid lands the 2nd Respondent has clearly declared that we are entitled to a Ryotwari patta but surprisingly, the 3rd Respondent preferred an appeal to the 1st Respondent impleading me alone as a party Respondent and thus the Appeal itself is incompetent and is liable to be dismissed.

6. I also further submit that the ………………………….……… was declared as Inam Village in the year ………….........………..on the strength of the Judgment of this Hon'ble Court in A.S. No. …………………….………. by A.P. Gazette Publication dated …………………………... The learned Asst. Settlement Officer already prepared the list of recognised Inamdars of the entire………….. …………….. village on thorough enquiry block-wise including the Inamdars of ……………………………….. In the list of the Inamdars of ..................... clearly shown by names of Sri. .......…………………………………... and Sri. …………………………….. It is submitted that the said fact was admitted by the 3rd Respondent before the 2nd Respondent. In the list prepared by the Asst. Settlement Officer as stated *supra* was given was given by the Mandal Revenue Officer (Rural) …………………………......…....... under certified copy of the same is an authentic and valid one. Hence that cannot be questioned by the 3rd Respondent knowingfully well and admitted them as Inamdars of the …………………………………….… and now just for the sake of appeal before the Ist Respondent wantonly denied the said fact.

7. I also further submit that one Sri. …………………….…………… admitted the fact that he was the Manager of Inamdars of ………………………………….. in his written statement in O.S. No. …………………………… and through his letters dated ……………………….………. and ………………..………… It is crystal clear that the Inamdars of …………………………….. have been cultivating the …………………..………… lands personally by engaging labour at their cost. The fact of issuance of demand notice of cist from ………………..…….. Inamdar, by the then Village ................................ of ………………….…………. dated ……………..…………… is suffice to prove the fact that the Inamdars were cultivating the lands personally, but it is no doubt a fact that the Inamdars were giving pieces of land to the Lessees, if they are solvent and on registered muchilikas only and the Inamdars at no point of time leased even a single cent of land without any registered michilikas or registered deeds. The Notice dated …………………………….… of Sri. ……………………………… to …………………………... and others are clear that the 3rd Respondent or any other person claiming any other part of the …………………………………… under the guise of unregistered takids cannot be relied on.for granting of Ryotwari pattas as they are fabricated at the instance of or at the active connivance of Sri. ……………………………………… and Sri. …………………….………………… only taking their position as Karanams of ............... village. Further, the unregistered takids do not prove the case of the 3rd Respondent for the reasons stated *supra.* It is submitted that the alleged tenants shown by the Sri …………..…………………. and Sri …………………………………….. openly expressly before the competent authority that they were never the tenants under the Inamdars of ………………………………. and their names are fabricated insertion of Sri. ……………………………………. and Sri…………………………………………. to a mass wealth and to have wrongful gain and in order to knock away the property of Inamdars by influencing the officials and mis-representing the facts before the competent authority. Likewise, the registered mortgage deeds are also created as if executed by them. As it came to light that the said Sri. …………………….…………………. was known for fabrication of records in S.L.R. and other relevant records, raids have been conducted by the Competent Authority and also found in raids and fabricated records etc., and also two criminal cases were registered against him. Hence, as it proves the contention of the District Collector about the mis-deeds crept in the S.L.R. i.e., the leftside column Pattedar itself is a fabricated introduction bv the then Karanam who was in office at the time of Survey operations. So, the names mentioned in the S.L.R. as pattedars cannot be believable as tenants.

8. It is submitted that my father Late Sri. …………………., purchased the entire block of …………….. of …………….. for valid consideration from its lawful owners i.e., the Inamdars namely, Sri. ………………. and Smt. ………………. under a Registered sale deeds dated …………… and took possession of the same and apart from that he has exercised his right over the ............... lands by alienating certain pieces of lands to different parties andthe learned Inams Deputy Tahsildar also granted Ryotwari pattas to the said purchasers and the tenants who executed registered Saswatha Muchilikas in favour of Inamdars are alone granted Ryotwari pattas for their 2/3rd share by apportionment giving remaining 1/3rd to the legal heirs of the deceased Sri. …………………, as per the partition enunciated in the decree and Judgment of O.S. No. ……….. on the file of the Court of the Principal Sub-ordinate Judge ……………… It is pertinent to note that the claim of 3rd and 4th Respondents herein has been rejected in S.R. No. 3/96 IDT No. ………. after following due process laid down in law.

9. It is further submitted that so far all the findings given in all civil matters and the results in the respective cases are subject to the result of the enquiry of the Inams Deputy Tahsildar in disposing the claims in granting Ryotwari Pattas. It is pertinent to note that none of the rejected claimants as alleged tenants have proved that they are in possession of the property on the crucial dates i.e., 7-1-1948 or 14-12-1956 in any of the Civil cases and the present claimants also have not proved their possession on the above said crucial dates for the properties claimed by them under the alleged purchasers from of alleged tenants.

10. It is further submitted that my late father, Sri. ………………………….………… claimed the entire extent of ……………………..……………… as Inamdar even before the Land Ceiling Tribunal but the 3rd Respondent herein making an attempt to mis-interpret the said statement of Sri. ………………………………………………………. in highly objectionable one and unbelievable one.

11. It is also submitted that my father Late Sri. …………………………………. filed W.P. No. ............... of ………………………………… on the file of this Hon'ble Court seeking appropriate directions to the Inams Deputy Tahsildar to enquire into the matter relating to …………………………….. and issue Ryotwari patta in his favour and pending the disposal of the said writ petition, he obtained an interim injunction restraining the Respondents from in any way alienating any portion of ……………..…………… in the year …………………………..… and when the said injunction was in force as the said parties violated the orders of injunction, a contempt case was also filed and on unconditional apology tendered by Sri. …………………………….. and ………………………….………. it was directed that all those sale deeds during the said period after issuing the injunction ought to be rescinded forthwith.

12. It is further submitted that Sri./Smt……………………………………………….., 1st petitioner herein filed W.P. No. ……………. questioning an order of *status quo* in an Inam Appeal arising out of common judgment and this Hon'ble Court by order dated ...................................… disposed off the W.P. with a direction to dispose off the appeal itself within………………….…… months.

13. It is also further submitted that on the filing of the Appeal by the 3rd Respondent even in the month of ………………, I filed a detailed counter. But the 1st Respondent without considering the contents of the counter directed to maintain the *status-quo* till the disposal of the said Appeal by his Order in Procs. Roc. No. ........……. dated …………. The said order of the 1st Respondent is totally arbitrary, illegal and unconstitutional and is liable to be quashed on the following among other :-

**GROUNDS**

(a) The order of the 1st Respondent dated ………………….……… is an arbitrary and illegal order for non-application of mind.

(b) The 1st Respondent evidently had not at all gone through the detailed counter filed by the petitioner and absolutely there is no reference to any one of the contents raised by the petitioner.

(c) The Appellate Authority ought not to have granted an order of *status-quo* despite the detailed well considered order passed by the 2nd Respondent dated …………………………………….….

(d) The 1st Respondent ought to have seen that there cannot be an order *of status-quo* in the absence of the brothers of the Petitioner, ………………….

(e) It is also pertinent to note that an order of *status quo* is granted against the properties belonging to other family members without impleading those parties.

(f) Thus the appeal itself is incompetent and on a such incompetent appeal passing such an order is illegal, arbitrary and without jurisdiction.

(g) It is also pertinent to note that neither of the parties in the I.A. No. .....................…..... of………….. ……… in O.S. No. .......……………….…. of …………………………... on the file of the Court of the ………………………..…….. and parties herein.

(h) And all other grounds which will be raised at the time of making the final submissions.

14. In the said circumstances, I have no other effective alternative remedy except to invoke the extra-ordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India.

15. Earlier, I have not filed any Writ Petition, suit or appeal either before this Hon'ble Court or before any Court of Law or authority, regarding the subject matter of the present writ petition.

Under these circumstances, it is also just and necessary in the interests of justice, that this Hon'ble Court may be pleased to -

(a) To issue a Writ of Certiorari or any other appropriate Writ, Order or direction, calling for the records relating to the proceedings Roc. No. …………………………….. dated ……………..………… issued by the 1st Respondent and quash the same as illegal, arbitrary and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India, and also contrary to the provisions of the …………………..……….. and also in violation of Principles of Natural Justice ; and

(b) To suspend the operation of the proceedings Roc. No. …………………………. Dated……………… ………… issued by the 1st Respondent, pending the disposal of the above Writ Petition, and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise I will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

Solemnly affirmed at ……………..

on this the ……………. of …………..

and signed his name in my presence.

*Advocate*….................

**MEMORANDUM OF WRIT APPEAL MISC. PETITION**

*(Under Section 151 of C.P.C.)*

**IN THE HIGH COURT OF JUDICATURE OF ………………..**

**AT ……………………**

*W.P.M.P. No.* ………… *of* …………

*In*

*W. P. No.* ……….. *of* …………

Between :

A.B. … Petitioner

And

C.D. … Respondent/Respondents

For the reasons and in the circumstances stated in the affidavit filed in support of the above Writ Petition, the Petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to suspend the operation of the Proceedings Roc. No. …………., dated ………….. issued by the 1st Respondent, pending the disposal of the above Writ Petition and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place : …………

Dated : …………

*Advocate for Petitioner*

Precedent No. 49

AFFIDAVIT OF CREDITOR IN

LIQUIDATION PROCEEDINGS: PROOF

OF DEBT

IN THE HIGH COURT OF

In the matter of the Companies Act, 1956

And

In the matter of Company Ltd.

AFFIDAVIT of , S/o , aged ,

presently and permanently residing in

I, the deponent abovenamed, hereby solemnly affirms and states as follows:—

1 .I say that, the abovenamed company was, on the day of

, the date of the order of the winding-up of the

same, and still is, justly and truly indebted to me for a sum of

Rs , on account of

2. I say that, I have not, nor have any person or persons by my order or to  
my knowledge or belief; for my use, received the aforesaid sum of

Rs or any part thereof, or any security for satisfaction of

the same or any part thereof.

3. I say that, I attach hereto the documents marked A and B in proof of the  
aforementioned debt.

Sd./ Deponent.

Verification

Verified at on this the of 20 that the

contents of the above affidavit are true and correct to the best of knowledge, belief and information of the deponent and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

**AFFIDAVIT OF CREDITOR OF HIS DEBT DURING**

**LIQUIDATION**

IN THE (HIGH) COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
IN the matter of the Indian Companies Act, 1956   
  
And   
  
The matter of the liquidation of \_\_\_\_\_\_\_\_ Co. Ltd.   
  
I, …………………………………………………………………… ,

Aged……………………………….................................. years,

son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , do hereby on oath /on solemn affirmation state as

follows:   
  
1. That the above-named company was on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_ , \_\_\_\_\_\_ , the date of the order for winding up the same, and still is justly and truly indebted to me in the sum of Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Rs in words ) only on account of (describe briefly the nature of the debt).

2. That in proof of the aforesaid debt I attach hereto the documents marked …………………………………………………

3. That I have not, nor have any person or persons by my order or to my knowledge or belief for my use, received the aforesaid sum of Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or any part thereof, or any security or satisfaction for the same or any part thereof except the sum or security (state the exact amount of security).   
  
4. That this affidavit is true, that it conceals nothing and no part of it is false 

AA   
  
Signature 

**VERIFICATION**  
I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_ this \_\_\_\_\_day of \_\_\_\_\_\_   
  
DEPONENT

**IN THE HIGH COURT OF JUDICATURE OF ………………AT ………………..**

*Contempt Case No.* ……………

*In*

*W. P. No.* ……………….

*Between:*-

A.B. ...*Petitioners*

*And*

C.D. ...*Respondent*

**Affidavit of ist petitioner herein**

I, ......................................., S/o. ……………………………………………, an adult Indian inhabitant, field-men, ……………………….., District.............................................., do hereby solemnly affirm and state as follows:-

1. I am the first petitioner herein and as such I am well acquainted wi th the facts of the case. I am swearing this affidavit on behalf of petitioners 2 and 3 also since I am authorised to do so.

2. I further submit that I was appointed as weigh bridge clerk on ………………….……….. and the petitioners 2 and 3 were appointed as NMR's on ……………............................. and ……………………………… respectively on a consolidated pay. And thus we have transacting our duties as such without any remarks whatsoever. We also submit that we are entitled to be posted as fieldmen in as much as we are having sufficiently long service and the respondent on consideration of the recommendations made by the Chief Agricultural Officer had considered all the aspects and after due consideration issued proceedings, dated ……………………….. by virtue of which we are posted as fieldmen at ……….............…………… Circle, …………………………… Circle, and ……………………..………………. Circle respectively on certain conditions. And in pursuance of the said orders we have reported to our respective duties and we have joined as fieldmen and we have been functioning as fieldmen as on today from the aforesaid date onwards. We also further submit that to our surprise we came to know that of the instance of certain of the employees in the factory and due to procedure from the union the respondent without affording an opportunity and without giving any notice or reasonable opportunity to us appears to have passed an order immediately on the next day i.e., on ………………..……………. cancelling the earlier orders as fieldmen without assigning any reasons.

3. I further submit that in fact the said order is not communicated to us even to this day and we are not present continuing as fieldmen in our respective posts. We also submit that the order, dated …………….. is totally arbitrary, illegal and unconstitutional, being violative of Articles 14, 16 and 21 of the Constitution of India. Since no reasonable opportunity was given and further the order does not disclose any reasons much less valid reasons for cancelling the earlier orders.

4. I further submit that the said order is bad for non-application of mind and in as much as it is vague, order passed in violation of Principles of Natural Justice also. In the said circumstances if we are reverted without assigning any reasons we will be put to serious loss and in the said circumstances we are entitled to be continued as fieldmen in our respective posts unless and until the proper procedure is followed and the orders all made in accordance with law if any.

5. We also submit, we are also qualified and eligible to be appointed as field men. We also further submit that several others like .........................., …………......... who are promoted along with us are being continued and thus the action is discreminatory. Certain persons like ………………….., field men and ..........................., …………………, ………………., …………………. and ………………… who are all juniors to us had been promoted but we are being discriminated. In the said circumstances we filed W.P. No. ……….. on the file of this Hon'ble Court and obtained an order of stay of operation of the impugned proceedings in W.P.M.P. No. …………… on …………….. which was subsequently extended until further orders.

6. We also submit that inspite of the interim orders of this Hon'ble Court the respondent is not implementing the orders on a false plea that we had not reported to duty as field men. But in fact we had reported to duty and the joining reports are available with the respondent office. But for reasons best known the respondent is suppressing the same.

7. We also further submit that in as much as the respondent had deliberately and intentionally violated the interim orders of this Hon'ble Court. We issued notice on …………………….……….. calling upon the respondent to implement the orders of this Hon'ble Court. But the respondent gave a reply on ……………………………. making certain false and untenable allegations. The contention of the respondent that we have not joined duty as fieldmen is totally untenable. In fact we also submit that we joined duties as fieldmen as on ………………………….…. and on the same day the Chief Agricultural Officer, the controlling authority had endorsed our reports duly signed by him and they were forwarded to managing director. The copies of the same are herewith filed for the perusal of this Hon'ble Court. Thus the respondent had deliberately and intentionally violated the orders of this Hon'ble Court, dated ……………..……….. subsequently intended on ………….. and further extended until further orders on ……......................... and hence the respondent is liable to be punished for the intentional and deliberate violation of the orders of this Hon'ble Court.

It is therefore prayed that this Hon'ble Court may be pleased to hold an enquiry and punish the respondent for violating the orders of this Hon'ble Court in W.P.M.P. No. …………………….…. in W.P. No. ……………….………….., dated ……………….……….. and also direct the respondent to implement the orders forth with and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Solemnly affirm and signed before me on the ………….. day of …………… at ……………

Place :

Dated:

*Deponent*

*Before me*

*Advocate* ………………

**MEMORANDUM OF CONTEMPT PETITION**

*[Under Sections 10 and 12 of the Contempt of Courts Act]*

**IN THE HIGH COURT OF JUDICATURE**

**OF ……………… AT ……………**

*Contempt Case No.* …………….

*In*

*W.P. No.* ………………..

*Between.--*

A.B. ....*Petitioners*

*And*

C.D. ...*Respondent*

For the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble Court may be pleased to hold an enquiry and punish the respondent for violating the orders of this Hon'ble Court in W.P.M.P. No. ……………………………………… in W.P. No. …………………………., dated ………………………… and also direct the respondent to implement the orders forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Place:

Dated:

*Advocate for the petitioner.*

**MEMORANDUM OF CIVIL PETITION :**

**MISCELLANEOUS PETITION**

*[Under Section 151 of C.P.C.]*

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT ………………**

*C.A. No.* ……………….

*in*

*C.C. No.* ………………

*in*

*W.P. No.* ……………….

*Between:-*

A.B. ...*Petitioners*

*And*

C.D. ...*Respondent*

For the reasons stated in the accompanying affidavit the petitioner prayed that this Hon'ble Court may be pleased to direct the respondent to implement the orders forthwith in W.P.M.P. No. …………………….. in W.P. No. …………………….…….., dated ……………………………….. and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Place:

Dated:

*Advocate for the petitioner.*

**IN THE HIGH COURT OF JUDICATURE……………..AT………….**

I.A………. of 20………..

in

R.C.C. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner*

*and*

……………………..

……………………. ….*Respondent*

**Affidavit of Petitioner**

I, ……………………………………...

S/o…………………………….………

aged about ………………………..… years, Hindu,

landlord,………………….. ………….. do solemnly affirm and state as follows :

1. I am the petitioner, landlord and I know the facts of the case.

2. The respondent tenant did not pay the rent from ………. inspite of notices and eviction petition in the Court, he failed to pay the rent. Simply he is resorting to delaying tactics. He is not entitled to contest the petition without depositing the rent he is a chronic defaulter according to law he cannot contest the petition for eviction.

3. I therefore pray that the Hon’ble Court may be pleased to pass orders prohibiting the respondent from contesting the petition and order eviction in the ends of justice.

Deponent

Before me

Advocate Hyderabad,

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

**Affidavit Of Process Server To A Accompany**

**Return Of A Summons Or Notice**

The Affidavit of Mr…………………………….………………..

son of …………………………………………………………………

resident of ,……………………………………………………….. make oath and say as follows—

1. I am a process server of this Court.

2. On the ………….…. day of …………………, 2000, I received a summons/

Notice……………………………………………………….. issued by the Court of …………….………………….. in Suit No………………….……………. of ………………………………..…… in the said Court, dated the …………….…………….. day of …………………………………………………,………… For service on…………………………………….

3. The said ……………………………….…….. was at the time personally known to me, and I served the said Summons /notice on him /her on the ……………… day of……………, ……….. at

about………………. o’clock in the ………………………….……… noon ………………………………… by tendering a copy thereto him/ her and requiring his/her signature to the original Summons/ Notice.

(a)

(b)

Here state whether the person served signed or refused to sign the process,

and in whose presence.

Signature of process server.

Or

The said …………………………………..………. not being personally known to me…………………………….……. accompanied me to ………………………………………….. and pointed out to me a person whom he stated to be the said ……………………………………..…… and I served the said whom he stated to be the said……………………….……….. and I served the said Summons / Notice on his/ her on the………. ……….. day of ………, 2000, at about…………. O’clock in the …………………….. noon at…………………….….. by tendering a copy thereof to him/ her and requiring his/ her signature to the original summons/notice

(a)

(b)

Here state whether the person served signed or refused to sign the process,

and in whose presence.

Signature of Process server.

OR

One ………………………………..………… accompanied me to ………………………………… and there pointed out to me………………………………..…. Which he said was the house in which ………………….……… ordinarily resides. I did not find the said there.

(a)

(b)

Enter fully and exactly the manner in which the process was served,

with special reference to Order V, Rules 15 and 17.

Signature of Process server

OR

The said ……………………………………….…… and the house in which he ordinarily resides being personally known to me, I went to the said house, in ………………………….… and thereon the ….. day of ……………, 2000. At about …………o’clock in the……………… ……….. noon , I did not find the said…………………………..

(a)

(b)

Enter fully and exactly the manner in which the process was served, with special reference to Order V, Rules 15 and 17.

Signature of Process server.

Or

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of the order for substituted service.

Sworn/ Affirmed by the said………………. Before me this …………. Day of …………….., 2000.

Empowered under section 139 of the Code of

Civil Procedure, 1908 to administer the oath to deponents.

**IN THE HIGH COURT OF JUDICATURE OF ……………….** **AT ………………..**

C.M.P. No. ……….. of …………

In

C.R.P. No. …………. of ………..

Between :

A.B. … *Petitioner*

And

C.D. … *Respondent*

**Affidavit of the petition herein**

I, Mr............................................……………………..,

S/o. ……………………………………....…........……………, an adult Indian inhabitant,

Occupation: ………………………………........………….,

residing at …………………………………….……............

District ………………………………………………............, do hereby solemnly state as follows :

1. I am the petitioner herein and am well acquainted with the facts of the case.

2. I submit that the respondent herein who was a landlord of the premises demised to me filed R.C.C. No. ……………………………….. of ………………………….……. on the file of P.D.M. cum Rent Controller, ………………………… seeking eviction on the grounds of wilful default, acts causing wastage and impairmen *bonafide* requirement and that I was not using the premises for the purpose for which it was letout.

3. I submit that the respondent landlord had infact alleged all these grounds without any substantiation and has infact not come before the Court with clean hands and sought to evict me. I submit that I have put forth my contentions detailedly before the lower Court stating that infact the lease was taken by my father on lease in the month of ………………………….. on a monthly rent of Rs……………. ………… per month with an advance of Rs. ………….…………. and the respondent periodically enhanced the rents upto Rs. …………………………..…………. and when he still sought to chance the rent exorbitantly, for which I protested and for this reason the respondent landlord has sought to evict me basing on frivolous grounds of which were infact a pack of lieu.

4. I humbly submit that the lower Court rightly and elaborately and reasonably has discussed all the points and struckout the R.C.C. …………………………………… stating that the reasons put forth by the respondent landlord of are not true and correct. The lower appellate Court also has concurred with the findings of the lower Court regarding the ground of wilful default, causing impairment to the premises and bonafide requirement of the land lord are false and has struckdown all these three grounds.

5. I humbly submit the lower appellate Court has unreasonably gives an explanation regarding the fourth ground of myself putting use the declared premises for the purpose other than that is letout for the chosen to setaside the lower Courts order has directed me to the premises within …………. months from the date of pronouncement of the order by the lower appellate Court.

6. I humbly submit that I have been using the premises for a non-residential purpose alone and I am not using it for any other purpose. The lower Court based on conguctures and sunrises has parochially has chosen to observe that though I am using it for non residential purpose, it is being used for other purpose then it is actually letout for. Infact, the premises was given only for non-residential purpose and the said premises is being used for non-residential purposes alone.

For the reasons stated above, the petitioner herein prays that this Hon'ble Court may be pleased to stay the operation of the order of the learned Principal Subordinate Judge, cum Rent Controller Appellate Tribunal …………………………….……. in C.M.A. No. ………………………… dated ……………….…………. pending disposal of the above C.R.P..

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Deponent

Before me

Advocate............

**MISC. PETITION** *Under Section 151 CPC*

**IN THE HIGH COURT OF JUDICATURE OF …………….**

**AT …………………..**

C.M.P. No. …………. of ………….

in

C.R.P. No. ………… of …………..

Between :

A.B. … *Petitioner*

*And*

C.D. … *Respondent*

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to stay the operation of the order of the learned principal subordinate Judge, cum Rent Controller Appellate Tribunal ……………………..…… in C.M.A. No. ………………..…….. dated ……………………….………. pending disposal of the above Revision petition and pass such other order or orders as deem fit and proper.

Place :

Dated :

Advocate for petitioner

**General Power of Transfer and Withdrawal**

**IN THE HIGH COURT OF THE JUDICATURE OF …………**

**AT ………….**

TR.C.M.P. NO………………. of 20 ………

## Between :

A.…………………..

B.………………….. … *Petitioner/petitioners*

*And*

C…………………..

D…………………. ...*Respondents/Respondents*

**Affidavit of the petitioner abovenamed**

I, Mr……………….......……… an adult Indian inhabitant ……………….., Occupation :……………..………, residing at ……………………….………………… District, solemnly affirm and state as follows. I am authorised to sworn this affidavit on behalf of the …………… ……………petitioner also I am the ………………………………....….. petitioner herein and the …………… Appellant in A.S. No…………....................................…… on the file of this Hon’ble Court and also in A.S.No………………………………. on the file of ......................... District Judge, ………………………………………

2. We further submit that in two suits common judgment was delivered as on ………………………....…….… between the same parties and because of pecuniary jurisdiction we filed A.S.No ………………………..……….. against O.S.No…………………..…..……. on the file of ......... District Judge, and another suit O.S.No……………………………….. we filed A.S.No …………… of …………. on the file of this Hon’ble Court. We also submit that the questions of fact and questions of law involved in both the matters are one and the same and both the appeals arise out of common judgment. But however the ........................... District Judge, is not inclined to adjourn the matter, the matter is posted to …………………………..

3. It is therefore prayed that this Hon’ble Court may be pleased to direct the transfer A,S.No …………………… of the file of the ......... Dist. Judge, ………….. to this Hon’ble Court to be heard along with A.S.No……….……………. and to stay all further proceeding in A.S.No……………..…….. on the file of the ……. District Judge, …………………………… table and pass such other suit order or orders in the interest of Justice. :

Solemnly affirmed at ..................... Deponent

on this …………….. day of.............. 20...... before me

#### Advocate

**MISC. PETITION *UNDER SECTION 24 OF C.P.C***

**IN THE HIGH COURT OF THE JUDICATURE OF …………….AT ……………….**

C.M.P. No……………….. of 20…………

In

Tr. C.M.P No ……………... of 20 ………..

## Between :

(1)…………………..

(2)………………….. … *Appellants/ petitioners*

*And*

…………………..

…………………. … *Respondents/Defendants*

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon’ble Court may be pleased to direct A.S.No…………………………..… on the file of the……………..………….. Dist. Judge, ……………..……………………. to this Hon’ble Court, to be heard along with A.S.No……………………..…………. and pass such other suitable orders in the interest of justice.

Place :

Date dvocate for the petitioner

**IN THE HIGH COURT OF JUDICATURE OF …………….AT ……………….**

C.M.P. No……………….. of 20…………

In

C.M.P No ……………... of 20 ………..

## Between :

A.B. … *Petitioner/ Petitioner*

*And*

C.D. … *Respondent/ Respondent*

**Affidavit of the petitioner abovenamed**

I, Mr……………………………………………..………, an adult Indian inhabitants and residing at ……………………………..………. Road, ……………………………..….. District do hereby solemnly affirm and state as follows :

That I am the petitioner herein and also the petitioner in the above C.R.P. and the Appellant in C.M.A.No……………………………………………………..…. of …………………………..……… on the file of the Court of the ………………………………………………….. District Judge, …………………………..…… and the Respondent in ….……. No ………………….. of …………….. and the Defendant in O.S.No. ………………………………….. of ……………………………….. on the file of the Court of the …………………….….……. Junior Civil Judge, …………………………………………………………… and as such I am full aware about facts of the case.

1. I crave the leave of this Hon’ble Court to read the contents of the Memorandum of Grounds of Revision Petition may be read as part and parcel of this affidavit also for better appreciation of the facts and circumstances of the case.

2. I submit that I constructed a Cement brick wall shed and also certain super structures in the plaint schedule property. I submit that I filed C.M.A No…………………………………….. on the file of the Court of the ………………………………………... District Judge, …………………………………..….. as against the order made in I.A.No………………………………………… in O.S.No ………………….……………. and the same is pending disposal and an order of status quo was granted. I further submit that the order of temporary injunction has not attained finality and inasmuch as the C.M.A.No. ……………………………… is pending disposal. Even otherwise the effect of the interim order is protect possession of the party and not to take forcible possession with the assistance of the Police. I submit that the very fact that the shed and super structures raised by me are in existence in the plaint schedule property and the very fact the respondent/plaintiff wants to demolish such structures with the help of police under the guise of temporary injunction order clearly shows that he is acting so, with a  *mala fide* intention, which cannot be sustained. It is also pertinent to note that I made repeated requests for the disposal of the main suit itself and further I also requested the learned District Judge, to dispose off the main C.M.A. at an early date but the other party for reasons best known to him is nor cooperating for the disposal of those matters, but surprisingly wants the police to come to their aid for removal of my upper structures. This is impermissible under the law. I submit that I have fair chances of success in the above C.R.P. and in the said circumstances, if the order of Court below is not suspended till the disposal of the C.R.P. I will be put to irreparable loss and injury.

It is, therefore, prayed that this Hon’ble Court may be pleased to suspend the operation of the order made in I.A.No……………………………… of …………………….….. in O.S. No…………………… of …………………., dated ……… on the file of the Court of the ………….. Junior Civil Judge, ……… pending the disposal of the above C.R.P.and pass such other and further order or orders as this hon’ble Court may deem fir proper in the circumstances of the case.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate...............

**MISC. PETITION *Under section 151 OF C.P.C***

**IN THE HIGH COURT OF THE JUDICATURE OF …………….**

**AT ……………….**

C.M.P. No……………….. of 20…………

In

C.M.P No ……………... of 20 ………..

## Between :

A.B. … *Petitioner/Petitioner*

*And*

C.D. … *Respondent/Respondent*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioner herein prays in the interests of Justice, that this Hon’ble Court may be pleased to suspend the operation of the order made in I.A.No…………………………..…………. of …………………………………..……… in O.S. No………………….…………. of ………………………………… dated………………….……….. on the file of the Court of the ……………………………….……… Junior Civil Judge, ………………………..………….., pending the disposal of the above Civil Revision Petition, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :

Date :

Advocate for the petitioner

**IN THE HIGH COURT OF THE JUDICATURE OF …………….AT ……………….**

C.M.P. No……………….. of 20…………

In

C.R.P No ……………... of 20 ………..

A.B. … *Petitioner*

*And*

C.D. … *Respondents*

**Affidavit of the petitioner abovenamed**

I, Mr…………………………….……….…, an adult Occupation:………..……………………. residing at…………………. …………………………….District……………………………………......… do hereby solemnly affirm and state as follows :

1. That I am the petitioner herein and also the petitioner in the above Civil Revision Petition and the respondent in I.A.No ……………………………….……… of …..…………… in O.S.No…..…………..……………. of ……………………… on the file of the Court of the Additional Senior Civil Judge, …………………………………………, and as such am well acquainted with the facts of the case. I am swearing this affidavit on my behalf and on behalf of the second petitioner also who have authorised me to file the same.

2. I submit that the respondents herein filed a suit O.S.No. ………………..…………. of …………..……………… for partition of the 1/2 share in the plaint schedule properties. It is submitted that the plaint schedule properties are not liable for partition since they are my separate properties which I got virtue of a Registered Will dated…………………………………..……………

3. I further submit that inasmuch as a crime was registered against me, the house was kept under lock and key.

4. I also submit that a Commissioner was appointed for the purpose of taking inventory and the Commissioner had noted the list of properties and articles and in the said circumstances the keys are to be delivered to me.

5. I also further submit that the Court below had erroneously directed furnishing of security for the purpose of delivering the keys. Such a direction is totally unsustainable in Law. It is submitted that if there is a delay the pronotes and other important documents will be time barred.

6. I also further submit that the Court below also directed that the articles are to be delivered on furnishing security and in default of furnishing security by me. Some of the articles on furnishing security to be delivered to the respondents. Such a direction is unsustainable and without jurisdiction.

7. In the said circumstances, it is necessary to direct the delivery of keys of the plaint schedule house to me without insisting for any security or otherwise, I will be put irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

8. I humbly submit that all further proceedings are to be stayed in the application giving direction to deliver some of the articles on condition of furnishing the security.

9. I crave the leave of this Hon’ble Court to read the contents of Memorandum of Grounds of Civil Revision Petition may be read as part and parcel of their affidavit also for better appreciation of the facts and circumstances of the case.

Under these circumstances it is just and necessary in the interests of justice, that this Hon’ble Court may pleased to stay all further proceedings in I.A.No……………………..………. of …………………………………. in O.S.No………………………….………………. of …………………………………… on the file of the Court of the Additional Senior Civil Judge, ……………………………………..…………, pending the disposal of the above Civil Revision Petition, and the police had taken the keys and deposited the same in the Court and pass such other order to orders as this Hon’ble Court may deem fir and proper in the circumstances of case, or otherwise, I will be put to irreparable loss, great hardship, heavy injury and unsustainable damage.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate..................

**MISC. PETITION *Under Section 151 OF C.P.C***

**IN THE HIGH COURT OF THE JUDICATURE OF …………….**

**AT ……………….**

C.M.P. No……………….. of 20…………

In

C.R.P No ……………... of 20 ………..

## Between :

A.B. … *Petitioner/Petitioner*

*And*

C.D. … *Respondents/Respondents*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioners herein pray in the interests of Justice, that this Hon’ble Court may be pleased to stay all further proceedings in I.A.No…………………..……… of …………………………… in O.S.No…………………………….. of …………... on the file of the court of the Additional Senior Civil Judge, ………………………….………., pending the disposal of the above Civil Revision Petition, and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :

Date :

Advocate for petitioner

**IN THE HIGH COURT OF JUDICATURE OF ……………**

**AT …………**

C.C. No. ………….. of 20…….

In

W.P.M.P. No. ………. of 20…….

In

W.P. No. ……….. of 20………

*Between:-*

A.B. ...*Petitioner*

*And*

C.D. ...*Respondents*

**Affidavit of the petitioner herein**

I, …...................................................., S/o. …………………………….……………., an adult Indian inhabitant, Incharge Assistant Engineer, ......…………………………….…….. Urban Development Housing Corporation, …………………………………. Municipality, ……………..……………. district, and now having temporarily come down to ……………………………………….….., do hereby solemnly and sincerely affirm and state on oath as follows:-

1. That I am the petitioner herein and also the petitioner in the above writ petition and as such I am well acquainted with the facts of the case.

2. I submit that I was initially appointed as Work Inspector by the Ist respondent in the above writ petition on ………………………….. on a consolidated pay of Rs. ………….………… per month and I was posted at …………………………… State Housing Corporation, ………………..……………..... It is submitted that subsequent thereto, I was deputed to .....................................…………….. State Urban Development & Housing Corporation, …………………..…………….. on ……………………….…. as Work Inspector and subsequent thereto my services were regularised with effect from ……………………………………

3. I further submit that I had been working as work Inspector without any adverse remarks whatsoever and in view of my seniority, sincerity and hardwork, the 1st respondent had given me recording power keeping me as Incharge Assistant Engineer from ………………. onwards. I submit that from the said time onwards I have been discharging my duties as Incharge Assistant Engineer even to this day. I further submit that in ……………..………………. Municipality there is ample work load and hence my services and my continuance as Incharge Assistant Engineer is very essential. I further submit that the 2nd respondent by virtue of the proceedings, dated ………………....................... had repatriated me as work Inspector, and I questioned the same by filing W.P.No. …………………………. on the file of this Hon'ble Court and this Hon'ble Court was pleased to suspend the operation of the said proceedings in W.P.H.P. No. ..........................., on ……………….

4. I submit that I filed W.P. No. ………………………..……. praying for quashing of the order, dt…………… ………… issued by the 1st respondent transferring me and posting me as Work Inspector and the said order was suspended in W.P.M.P. No. …………………………… and the said interim suspension is in force. I submit that several of my juniors who are having less experience are also being continued. I submit that I obtained interim suspension on ……………………………… and hence the respondents are bound to continue me as Incharge Assistant Engineer at ………………………………., I submit that I made a representation on ……………………............……. to the 1st respondent submitting the copies to the 2nd respondent and also to the other concerned requesting them to continue me as Incharge Assistant Engineer. I submit that inspite of the interim suspension against the 1st respondent at the instance of the 2nd respondent had passed an order, dt. ………………….……. transferring me as Work Inspector to …………….. Thus the respondents have clearly violated the Order, date. ………… passed by this Hon'ble Court in W.P.M.P. No. ………………..………….. in W.P. No. ……………………….….. I submit that the respondents are not even paying the salary from the date of the interim order passed by this Hon'ble Court. At any rate as per the interim orders of this Hon'ble Court, I am entitled to be continued as Incharge Assistant Engineer at …………………………………… Municipality and I am also entitled to receive the salaries. The respondents are bound to continue me at ………………………….……. Municipality and are also bound to pay my salaries. Therefore there is a clear violation of the orders of this Hon'ble Court.

5. I submit that the respondents are having scant respect for this Hon'ble Court and the same is exhibited by not implementing the clear and categorical orders of this Hon'ble Court, date. …………………... in W.P.M.P. No………………. ………… of 20……………………. in W.P. No. ……..……… of 20…….

6. I further submit that thus the inaction on the part of the respondents in ignoring the mandatory orders of this Hon'ble Court, dt. …………………………… in W.P.M.P. No. ……………………….. of 20….…… in W.P. No……………………. of 20……………….… and not continuing me as Incharge Assistant Engineer at ………………. Municipality and transferring me again on ………………..….. and also not paying my salaries is highly contemptious. The respondents are showing scant respect for the mandatory orders of this Hon'ble Court. Thus there is a violation of the orders of this Hon'ble Court, dt……………..……………. in W.P.M.P. No………………………………… in W.P. No. ………………………………. and are liable to be punishable under Sections 10 to 12 of the Contempt of Courts' Act.

It is therefore prayed in the interests of Justice, that this Hon'ble Court may be pleased to summon the respondents and punish them for wilfully violating the orders of this Hon'ble Court in W.P.M.P. No. ……………………..………… in W.P. No. ……………..……., dt. ……………………….. and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed at ……………., on this the ………… day of ................. and signed his name in my presence.

Place:

Dated:

*Deponent*

*Before me*

*Advocate ................*

**MEMORANDUM OF CONTEMPT CASE**

***[Under Sections 10 to 12 of Contempt of Courts Act]***

**IN THE HIGH COURT OF JUDICATURE OF …………….**

**AT ………………**

*C.C. No.* ……… *of 20*…….

*In*

*W.P.M.. No.* ………. *of 20*……

*In*

*W.P. No.* ……… *of 20*……..

*Between:*

A.B. ...*Petitioner*

*And*

*C.D. ...Respondents*

The address for service of all notices, summons, and processes on the above named petitioner is that of his Counsel M/s. …………………………..………………, and ……………….., Advocates, High Court, R/o. …………………., …………………, ………………

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to summon the respondents herein and punish them for wilfully violating the orders of this Hon'ble Court in W.P.M.P. No. …………………..……. of 20………….…. in W.P. No. ......................…….. of 20……….….., dated ………………………… under Sections 10 to 12 of the Contempt of Courts' Act, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place:

Dated:

*Advocate for petitioner.*

**IN THE HIGH COURT OF JUDICATURE OF ………………..AT …………**

*W. P. No.* …………. *of* …………..….

Between :

A.B. ... Petitioner

And

C.D. … Respondent

**Affidavit of**  **the petitioner herein**

I, Mr………………............................................,

S/o. ………………………………………………….…..., an adult Indian inhabitant,

Occupation …………………...............................

District ………………………………..…………………… do hereby solemnly affirm and state as follows :-

1. I submit that originally I was appointed as …………………….……………. in ……………….......................... in the year ……………….., and thus being a servant of ………………………………………., I am governed by the rules and regulations, service conditions, facilities and benefits for which the ………………..………………. employees are entitled too. However, the …………………………. was transferred to …………….………….. in the year ………………………………… but neither myself nor our Union had been a consenting party to such a transfer of undertaking. Though there was a demand by the Corporation that I should execute an agreement opting for the miles and regulations of ………………….…………………. I never executed any agreement since I was not inclined to opt for the same.

2. Thus I am governed by the rules and regulations and the service conditions which are applicable to the employees of the …………………………….…………….

3. I, further submit that I was on Despatch duty as Despatch Conductor at ………………………………. Depot on dated ……………………….………. As Despatch Conductor I had duly despatched the ……………….…………. service at ……………………………..… hours though in fact the said service should have been despatched at ……………………………….. hours. I had transacted my duty as Despatch Conductor and I had done nothing else contravening any of the regulations, guidelines or instructions of the ………………………………..……………

4*.* I further submit that to my surprise I received an order of suspension dated …………..…………. passed by the respondent alongwith the charge memo, dated …………… by proceedings …………..……. No. ……… on the ground that I had despatched …………………………… adults and ……………………..…… children who are bound for …………………………….… an Intermediate stage in ……………………..………… service, and that I colluded to have some personal gains. I also submit that surprisingly these proceedings were initiated on the basis of some letter by some unknown workers of ……………………..…………… Depot. It is surprising that on such an anonymous letter which was not even signed by any party the respondent herein had initiated the present action of suspending me from service.

5 . I also submit that in fact on ………………………..…………. the service was despatched at ………………........... hours for want of passengers. Apart from the passengers specified in the present proceedings the other passengers were only ............... passengers. Even otherwise this service being an ordinary service having stops at ………..................…… and also other places in between ……………….……… we are duty bound to issue tickets and we are not expected to take the vehicle empty or partially vacant when distinct tickets are not available. It is futile on the part of the respondent to initiate the present action on the ground that too at the instance of the certain unknown persons.

6. I also submit that since I secure certain benefits by virtue of.I.D.No. ........................................... on the

file of the Industrial Tribunal-cum-Labour Court, ................................................... against the respondent, therespondent aggrieved of the same and has been harassing me by initiating such action. Hence, the impugned proceedings are *mala fide* and made by the respondent with ulterior motive. The said proceedings dated ……………. i.e., ……………. No. ................. are

not sustainable on the following amongs other Grounds :

i.The respondent has no competency or authority to initiate the present action and hence the proceedings are without jurisdiction.

ii. The respondent even otherwise is not the competent authority to cause notice under Rule 10 or 11 of the Classification, Control and Appeal Regulations.

iii. The petitioner never opted for the Rules and Regulations of the ……………………………. by executing any agreement as such.

iv. Even otherwise the proposed punishment is highly unreasonable and excessive.

v. The action of the respondent is arbitrary and is not supported by any Rules or Regulations.

vi. The action of the respondent cannot stand to legal scrutiny since the petitioner is bound to dispatch the service in time with loaded tickets. Apart from this the action of the respondent is *mala fide.*

vii. The impugned proceedings at the instance of the certain anonymous persons is not sustainable in law.

viii. The other grounds will be urged at the time of hearing.

ix. Under these circumstances, I have no other alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India.

x. Earlier I have not filed any suit, writ, or appeal either before this Hon'ble Court, or before any other Court of Law or authority, regarding the subject matter of the present Writ Petition.

xi. Under these circumstances, it is just and necessary in the interests of Justice that this Hon'ble Court may be pleased to --

a. To issue a Writ of Certiorari, or any other appropriate writ, order or direction, calling for the records pertaining to the proceedings No. ……………………................ dated …………………………….. issued by the respondent, and quash the same as illegal, arbitrary and unconstitutional ;

b. To suspend the operation of the Proceedings No. ……………………………. dated …………................... issued by the respondent, pending the disposal of the above Writ Petition ;

and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise I will be put to irreparable loss, hardship and damage.

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Deponent

Before me

#### Advocate.............

**WRIT PETITION *Under Article 226 of the Constitution of India***

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT ………………**

*W. P. No.* ……….. *of* ………..

Between :

A.B. … Petitioner

And

C.D. … Respondent

The address for service of all notices, summons, and process on the above named petitioner is that of his counsel Mr. ......………………. Advocate, High Court Advocates' Association, High Court Buildings, ………………….

For the reasons and in the circumstances stated in the accompanying affidavit the petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to Issue a Writ of Certiorari, or any other appropriate writ, order or direction, calling for the records pertaining to the Proceedings ……………… No. …………. dated ………….. issued by the respondent, and quash the same as illegal, arbitrary, and unconstitutional, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place : ………....

Dated : …………

*Advocate for Petitioner*

**WRIT PETITION MISC. PETITION *Under Section 151 of CPC***

**IN THE HIGH COURT OF JUDICATURE OF …………………**

**AT ……………**

W.P.M.P. No. …………… of ………..

W.P. No. …………… of ………….

Between :

A.B. … Petitioner/Petitioners

And

C.D. … Respondent/Respondents

For the reasons and in the circumstances stated in the affidavit filed in support of the above Writ Petition, the petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to suspend the operation of the ……………………….……. No. ………………………. dated ………… issued by the respondent, pending the disposal of the above Writ Petition, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place : ………………..

Dated : ……………….

Advocate for Petitioner

**\***

**Criminal miscellaneous petition under**

**Section 407 of the Criminal Procedure Code**

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT …………………**

Crl. M.P. No. ………. of …………..

*Between*

A.B. … *Petitioner*

And

C.D. … *Respondent*

**Affidavit of the petitioner**

I, Mr.........................................…………………………….……., an adult Indian inhabitant, and

residing at………………………………………………...........…………, do hereby solemnly affirm and state as follows

1. I submit that I was married to the respondent as per Hindu rites and customs on ……………… in …………………………………. The Marriage was conducted with the blessings of the parents of both parties, friends and relatives.

2. I submit that from the very first day of our Marriage the respondent refused to have sexual intercourse with the petitioner on the ground that she was suffering from abdominal pain. The petitioner offered to take the respondent to the doctor for which she refused.

3. The petitioner further submits that due to the defiant attitude of the respondent herein there were small misunderstandings between the petitioner and the respondent on ...............…………….. The petitioner's Aunt one ……………………………… successfully managed to take the respondent to the doctor and found that the respondent was pregnant and referred the case to…………………………. for scanning. After the scanning it was found that the respondent was carrying and in ……………..……… month of pregnancy i.e., about ………………………… weeks.

4. I further submit that the marriage between me and the respondent took place on ……………………….. and when I heard that the respondent was pregnant by …………………………….. months on ………… i.e., ………………………………..……………….. I had reasonable cause to come to the conclusion that she had sexual intercourses with a third person prior to marriage. Further, the marriage was an arranged one and the petitioner and the respondent had no chance of meeting each other, since the respondent was residing at …………… at ……………… and the petitioner at …………….

5. I further submit that I was dejected and disappointed of the prevailing circumstances as any other husband would be under the circumstances and was mentally upset. The Respondent fully aware of the facts requested my aunt …………….. not to tell this to any one in the family and left from ……………. on ……………… to her father's residence at …………………………………. in ……………. and subsequently did not return.

6. I further submit that meanwhile my entire family came to know of this facts and I filed on petition for the annulment under section 12 (1) (d) of the Hindu Marriage Act, in O.P. No……………………….. of ……………………………………… on the file of the Subordinate Court at ……………………….……….. and the same still pending. The Respondent had also filed a counter stating that the petitioner had deserted her and was responsible for her pregnancy. The petitioner was also threatened by her father and brothers of the respondent with dire consequences.

7. I further submit that, the Respondent has now filed an application under Section 125 of the Cr.P.C. for maintenance before the Judicial Magistrate, ……………………………………..…. in M.C. No. ………………………..……. of ……………. and the petitioner was issued a notice to appear on ……………………………. I also submit that I have been getting anonymous phone calls saying that I will be taken to task at …………………………………………………….……. when I attend the case on ……………..

8. I further submit that the Respondent and her brothers with a view to cause physical danger to me have filed this M.C. No. ………………………………………... of ………………….…… and in the event of my presence at ……………..……………. I apprehend danger to my life and limb. If the Respondent really wants to obtain maintenance from the petitioner she could very well have filed an application under Section 18 of Hindu Adoption and Maintenance Act in O.P. No. ………………………….. of ………….………… on the file of the Sub-Judge at …………. The motive of filing the application for maintenance in the …………………………… Court itself shows that it has been done with ulterior motive to cause physical harms to the petitioner.

9. I further state that in the event of my presence at …………………………… I apprehend physical harm to me and I would not be in a position to defend the case effectively, due to the mental and physical torture to which I will be subjected to by the Respondent herein and her family members.

10. I therefore submit that I have no other remedy except to invoke the Jurisdiction of this Hon'ble Court under Section 407 of Cr.P.C. to transfer the case in M.C. No. …………………… of ……………..…. on the file of the Judicial Magistrate, ……………………….……… to any other Court in ……………………………………….

11. It is therefore prayed that this Hon'ble Court may be pleased to transfer the case in M.C. No. ………. of ………………………………..………. on the file of the Judicial Magistrate at ……………………………… to any other Court ………………………………… and thus render justice.

12. For the above stated reasons that this Hon'ble Court may be pleased to dispense with the appearance of the petitioner before the Judicial Magistrate at ............................... in M.C. No………….. …………. of …………… and thus render justice.

13. For the above stated reasons that this Hon'ble Court may be pleased to stay all further proceedings in M.C. No. ………… of …………….. on ………………. on the file of the Judicial Magistrate at ………………… pending disposal of this Criminal Original Petition and thus render justice.

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Deponent

Before me

#### Advocate...............

**CRIMINAL MISCELLANEOUS PETITION UNDER**

**SECTION 407 OF THE CRIMINAL PROCEDURE CODE**

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT …………………**

Crl. M.P. No. .……. of …………….

*Between:*

A.B. … *Petitioner*

*And*

C.D. … *Respondent*

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to transfer the Case in M.C. No. ……………………….. of …………………….. 20…………………… on the file of the Judicial Magistrate at …………………., to the family Court in ……………. and thus render Justice.

Dated at ………………. this ……… day of …………….

Sd/-

*Advocate for Petitioner/Petitioner*

**MEMORANDUM OF CRIMINAL PETITION**

***(Under Section 482 of Cr.P.C)***

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT ……………..**

Crl.P.No. ……….. of 20……

In

M.C. No. ……… of 20…….

*Between :*

A.B. … *Petitioner*

*And*

C.D. … *Respondent*

The address for service of all notices, summons, and processes on the above named petitioners are that of their counsel M/s. ……………………

The Sub-Inspector of Police, .....................................*(Station)* by his report dated …………………….. is said to have informed the .………………………………….……….. respondent that there is likelihood of breach of peace and to initiate proceedings under Section 145 of Cr.P.C. and the …………………………… respondent in turn had caused a notice to the petitioner herein and also to the respondent ………………………….. and ……………. to appear before him on …………………..……… and had adjourned the same to ………………………………. The said causing of notice by the respondent on the basis of the report of the 1st respondent is illegal, unsustainable, without jurisdiction and is liable to be quashed for the following reasons stated *infra.*

**GROUNDS**

1. The ..……………………………………….. respondent is totally unjustified in making a report under Section 145 of Cr.P.C. at the instance of the ………………………….…… and ………………………….. though in fact there was no breach of peace and likelihood of breach of peace at the subject matter of a dispute.

2. The petitioner in fact filed a suit O.S. No. …………………………….... on the file of District .......………. and obtained injunction regarding his ......................., set in Survey No. ……………. of …………………, Village of ……………. in I.A. No. …………… dated ………… and had also obtained police aid in ………….. against the respondent …………….

3. Respondent …………… should not have initiated the proceedings under Section 145 of Cr. P.C. especially, in the light of the order of suspension granted in I.A. No. ……….. in O.S. No. ……….. on the file of the ............. District ………………. in favour of the petitioners.

4. The respondent ………………. has no jurisdiction to initiate such proceedings circumventing the interim injunction granted by a competent Civil Court which *prima-facie* establishes the separate and exclusive possession of the petitioner with regard to the disputed property.

5. And all other grounds which will be raised at the time of making the final submissions.

Under these circumstances it is just and necessary in the interests of Justice, that this Hon'ble Court may be pleased to quash the proceedings in M.C.No. ……… of ………….. on the file of the ……………… respondent and to stay all further proceedings in M.C. No. ……….. of ………………. on the file of the ………………. pending the above Criminal Petition, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise the petitioners will be put to irreparable loss, hardship, grave suffering, damage and heavy injury and heavy loss.

It is therefore prayed in the interests of Justice, that this Hon'ble Court may be call for the records pertaining to M.C. No. ………. of ………………… on the file of the ..………… respondent, and quash the same as illegal, arbitrary, unsustainable, and without jurisdiction, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place :

Date :

*Advocate for petitioners*

**IN THE HIGH COURT OF JUDICATURE AT ……………..**

Crl.M.P. No. ……….. of 20……

In

Crl. A.No. ……….. of 20…….

*Between :*

A.B. … *Petitioner*

*And*

C.D. … *Respondents*

**Affidavit of the petitioner**

I, Mr…..........................................................., Principal, r/o. ………………................…… do hereby solemnly affirm state as follows.

1. I submit that I filed a complaint before the Additional ................................. Magistrates Court, ……………….. dist., which is numbered as ……………………………….……..... The complaint was filed for the offences U/S. ............................... and .............. of I.P.C. on …………………

3. I submit that unfortunately the learned Magistrate acquitted the accused U/S. .................................. Cr.P.C. on the ground that I was not present on ………………………………. when the case was called.

4. I submit that the Bar Association of ………………………………. dist. boycotted the Courts from ………………. to …………….., and as such my advocate did not ask me to attend the Court or informed the date of hearing. I am herewith enclosing the resolution of the Bar Association for kind perusal, to establish my absence on that date is neither deliberate nor wanton. Subsequently, my advocate advised me to file fresh complaint which I did so on, dt. ………………………..………, but the Hon’ble Magistrate dismissed, the complaint on, dt. ……………………….………. holding that the earlier acquittal on the same set of facts stands as res judicata and dismissed my complaint. I crave leave that the Memorandum of grounds may be read as part and parcel of this affidavit. I submit that the case was not acquittal on merits and as such 2nd complaint lies. I further submit that there was a delay in filling the appeal as my advocate thought that the 2nd complaint lies and he did file ………………….............. complaint, which was dismissed erroneously. Hence, there is a delay of ……………………………….... days in filing the present appeal.

4. It is therefore prayed that this Hon’ble Court may be pleased to condone the delay of ………. days in presenting the appeal. Otherwise, I will suffer irreparable loss and hardship.

Deponent

Before me

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Advocate.............

**CRIMINAL MISC. PETITION *U/S. 5 of the Limitation Act***

**IN THE HIGH COURT OF JUDICATURE AT ………………..**

*Crl.MP. No.* ……….. *of* ………..

*In*

*Crl. A. No.* ………. *of* ………….

*Between :*

A.B. .... *Petitioner*

And

C.D. … *Respondents*

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to condone the delay of (………………….………..) days in presenting the appeal against the order of acquittal of the accused in …......................... on the file of the ..................... Magistrate, ………………. District, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :

Date :

Advocate for petitioner

**IN THE HIGH COURT OF JUDICATURE OF ………….**

**AT ………....**

C.M.P.No. ……… of …………..

In

S.A. No. ………… of …………

Against

A.S. No. ………….. of ………….

In

O.S. No. ………… of ………..

*Between:*

A.B. … *Petitioner/Appellant*

*And*

C.D. … *Respondent/Respondent*

**Affidavit of the petitioner/appellant**

I, Mr.......………………………………..., an adult Indian inhabitant, residing at ……………….……………., do hereby solemnly and affirm and state as follows:-

1. I am the petitioner herein and the appellant in the above Second Appeal and as such I know the facts of the case.

2. I beg to submit that I have filed the suit O.S. …………………………... for permanent injunction in the Court of .............................. Additional District ........................... ……………….. restraining the respondent herein from interfering with the peaceful possession and enjoyment of the schedule land. I submit that the said plaint schedule land is assigned land by the Revenue Department to my husband on ………..……………. and patta was granted in his favour U/S........ of the Assigned Lands (Prohibition of Transfer) Act, 1977. The sale made in favour of my late husband is invalid in law and unenforceable, and as such my possession cannot be disturbed. However on erroneous considerations the suit was decreed on …………….……… by the 3rd Additional District .................. ………………… As against the said Decree and Judgment of the trial Court I filed A.S. ………………………..…………….. in the Court of the Ist Additional District Judge, ……………….. and the same was again dismissed without hearing the appellant on ………………..……………….. I submit that I am an old Harijan woman aged about ……………….… years. I was bed ridden due to serious ailment of Jaundice from the ……………………..……….. week of ………………………….. and I had been advised to take complete bed rest and treatment for ……………….……. months. Myself being a poor Harijan woman, was unable to raise the funds for filing this Second Appeal. Hence there is a delay of ……………………… days in filing this Second Appeal.

3. I subject that the delay in question is neither wilful nor negligence, but due to reasons beyond my control. I could not file this Second Appeal in time due to the bonafide reasons mentioned above. Hence the petition.

4. It is therefore expedient on the facts and circumstances stated above, the Hon’ble Court be pleased to condone the delay of days in filing the Second Appeal.

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Deponent

Before me

Advocate.............

**IN THE HIGH COURT OF**

**THE JUDICATURE OF …………… AT ………….**

**W.P. No. ……….. of 20…….**

Between :

A.B. … *Petitioner*

*And*

C.D. … *Respondent*

**Affidavit of** **………………….,** **the petitioner herein**

I,………………………….……………............……,

S/o………………………............…………………, an adult Indian inhabitant,

Occupation: ……………………..…………..……

and residing at ……………………………........

District………………………………………........., do hereby solemnly affirm and state as follows :

1. That I am the petitioner herein and as such am well acquainted with the facts of the case.

2. I submit that I am an Ex-serviceman, having served the Army vide J.C.No. .....................…. I also submit that inasmuch as I am an Ex-serviceman and landless poor person and inasmuch as I am entitled for assignment of land under the Ex-servicemen category and on my application as an Ex-serviceman after due enquiry on …………………………………… patta was granted in my favour for an extent of ...………………. cents in S.No. …………………….……….. of ………………….…………… village Accounts. I also submit that I have reclaimed the property and I had also obtained a loan for digging a well, dug a well and from the said time onwards, I have been cultivating the same by raising different crops thereon. Thus I have been in actual possession and enjoyment of the above said property from the time of grant of patta in my favour and I have been paying the cist to the Government relating to the said property.

3. I also further submit that due to my old age I am undergoing medical treatment and doctors have advised me to have operation to my leg.

4. I also submit that for my medical expenses I have taken loans and I have discharged my debts. I also submit that inasmuch as the allotment made under Ex-servicemen category by virtue of G.O.Ms. No. …………………......………., Revenue (Assignment-I) Department, dated ……………………………., I have a right to alienate the said property after a period of ..........…….. years. I also further submit that inasmuch as I intended to alienate the aforesaid properties in favour of the third parties, I approached the respondent on .........................…… and requested him to register the document relating to S.No. ....................... of an extent of …………………....……… cents but however, the respondent had refused to register the document and was not inclined to give any written endorsement in this regard. I also submit that in W.P. No. ………………...............…. of …………………………. this Hon'ble Court had already decided that in such cases after a period of ……… years, the registering authorities are bound to register the same by its orders dated ………………………………..-…… I also submit that I had produced a copy of the said order and also the G.O.Ms. No. ……………………………….…….. Revenue (Assignment-I) Department, dated …………… before the respondent but inspite of that the respondent was not inclined to register the document without assigning any reasons. The said action of the respondent is totally illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and also contrary to the orders of the State Government in G.O.Ms. No………………..………….., Revenue (Assignment-I) Department, dated ………... and also contrary to the Judgment of this Hon'ble Court in W.P. No. ........… of ………… dated …………..

5. In the said circumstances, I have no other effective alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

6. Earlier I have not filed any Writ Petition, Suit or Appeal either before this Hon'ble Court or before any other Court of Law or Authority for the reliefs prayed in the present writ petition.

Under these circumstances, it is just and necessary in the interests of Justice, that this Hon'ble Court may be pleased :

(i) To issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondent in refusing to register the document submitted by the petitioner for registration of Sale Deed over an extent of Ac. …………………………….... cents in Survey No. ……………………..….. of ………………………. village Accounts without assigning any reasons, as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and also contrary to the orders of the State Government in G.O.Ms. No. …......................., Revenue (Assignment-I) Department, dated ………….. and also contrary to the orders of this Hon'ble Court in W.P. No. ………….........………… of ……………..…. dated …………………. and consequently direct the respondent to receive and register the sale deeds submitted by the petitioner for the aforesaid lands ;

(ii) To direct the respondent to receive and register the sale deeds submitted by the petitioner over an extent of Ac. ………….. cents in Survey No. …………………. of ……....... village Accounts, pending the disposal of the above Writ Petition;

and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, or otherwise, I will be put to irreparable loss, great hardship, heavy injury and unsustainable damage.

Deponent

Before me

Solemnly affirmed at ……………. on this

the …………. day of ………… and signed

Advocate.............

**MEMORANDUM OF WRIT PETITION**

***(Under Article 226 of Constitution of India)***

**IN THE HIGH COURT OF THE JUDICATURE OF ……………….**

**AT ……………….**

*(Special Original Jurisdiction)*

W.P. No. ………. of 20……..

Between :

A.B. ... *Petitioner*

*And*

C.D. …*Respondent*

The address for service of all notices, summons and processes on the above named petitioner is that of his counsel M/s. .....………………………………………… and ……………………………….., Advocates, High Court, R/o. ……………………………………………………………. Colony, ……………………………………………………………………………….For the reasons and in the circumstances stated in the accompanying affidavit, the petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondent in refusing to register the document submitted by the petitioner for registration of Sale Deed over an extent of Ac. …………….…….. cents in Survey No. ………………..……….. of …………………..……… Village Accounts without assigning any reasons, as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and also contrary to the orders of the State Government in G.O.Ms. No. ………………..………….., Revenue (Assignment-I) Department, dated ………………………….. and also contrary to the orders of this Hon'ble Court in W.P. No. ……………………………………..... of dated …………. and consequently direct the respondent to receive and register the sale deeds submitted by the petitioner for the aforesaid lands and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place :

Dated :

Advocate for the petitioner

**IN THE HIGH COURT OF JUDICATURE OF ………………AT ………………….**

C.M.P. No. ……… of ……….. 20…….

In

C.M.A. No. ……. of ……… 20…….

Between :

A.B. … *Petitioners/Appellants*

*And*

C.D. … *Respondents*

**Affidavit on behalf of the petitioners herein**

I, Mr................................................................………,

S/o. …………………………………………………………….………, an adult Indian inhabitant,

residing at …………………………………………….……………., do hereby solemnly affirm and state as follows:

I submit that the above said matter was posted for dismissal and in as much as I was instructed by my senior to look after the matter, I was carefully watching the matter. I also submit that there was heavy work before the Hon'ble Courts and on that day i.e. ……………………………….………….… I was moving from Court to Court and in as much as there was no representation at the relevant time, this Hon'ble Court had dismissed the matter for default. My absences at the relevant time before this Hon'ble Court was due to unavoidable circumstances and hence the matter may be restored to the file of this Hon'ble Court, or otherwise the petitioners will be put to irreparable loss and serious injury.

It is therefore prayed that this Hon'ble Court may be pleased to set aside the dismiss for default order dated …………………….…… in C.M.A. No. ………………………….. of ……………… and restore the same to the file of this Hon'ble Court and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.:

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

Deponent

Before me

#### Advocate............

**MISC. PETITION *Under Order 9 Rule 13 R/w. Section 151 C.P.C.***

**IN THE HIGH COURT OF JUDICATURE OF ……………….**

**AT …………….**

C.M.P. No. …………. of ………. 20……

In

C.M.A. No. ………. of ……… 20……

Between :

A.B. … *Petitioners/Appellants*

*And*

C.D. … *Respondents/Respondents*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioners herein pray in the interests of justice, that this Hon’ble Court may be pleased to set aside the dismiss for default order dated ……………………… in C.M.A. No. ……………….....……….. of …………………….……… and restore the same to the file of this Hon'ble Court and pass such other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Place :

Dated :

Advocate for Petitioners

**Affidavit Regarding Non Ownership Of Alleged Business**

BEFORE THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Affidavit of Mr…………………………………….…….

aged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_years

s/o ……………………………………………………………

Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, the above name deponent solemnly affirm and state under:

1. That the deponent is the partner of the firm M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , and hence is fully conversant of facts deposed below.

2. That the deponent is carrying on business of supply of electrical goods to the electricity department since the firm came into existence.

3. That there is report against the deponent that he is carrying on business of trading electrical goods at \_\_\_\_\_\_\_\_\_\_\_\_\_\_,under the name and style of the firm above named that at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ no doubt there is a firm of the same name and style but it does not belong to the deponent but it belongs to Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A confirmatory letter to this effect is enclosed herewith as Annexure A.

4. That the file of the \_\_\_\_\_\_\_\_\_\_\_\_ firm does not belong to the deponent and should be separate.

Deponent

**VERIFICATION**

I, …………………………………………………….……….., do hereby verify that the contents of this affidavit from paras 1 to 4 are true to the best of my knowledge and belief. Nothing material has been concealed.

Dated…………… Deponent

Precedent No. 36

AFFIDAVIT: REMOVAL OF A PARTY FROM

THE APPEAL

IN THE HON'BLE CITY CIVIL COURT

In

Appeal No of 20

Appellants:

Vs.

Respondent:

AFFIDAVIT

I, ………………………

S/o ………………………..,

Aged\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

Presently and permanently residing in ………………………………………………………………… , do hereby solemnly affirm and declare as follows:—

1. I am the appellant in the appeal referred to above. I am well conversant with the facts and circumstances of the present case and I am competent to swear to this affidavit.
2. It is submitted that my name has been given as appellant No. 2 in the Memorandum of Appeal in the appeal referred to above. However, I never

approached or even authorised the counsel for filing any

appeal on my behalf nor have I ever executed any vakalatnama in his favour. I have not even authorised my mother (appellant No.1) in this behalf.

1. It is only from the respondent in the appeal referred to above that I came to learn about the filing of the said appeal. There is no denying the fact that I was one of the parties to the suit which was decided against the 1st appellant and me, but I had given up the idea of preferring an appeal against the said decision. I had long conveyed the said idea to the respondent and even to the 1st appellant herein.
2. Most apparently, the 1st appellant continues to nurse feelings of hatred and enmity against the respondent and intends to drag me into the puddle. However, I categorically refuse to accede to such unauthorised and illegal induction.
3. It is most respectfully submitted that I am not at all interested in conducting or prosecuting the appeal which has been filed on my behalf without my consent, knowledge or approval.
4. At the same time, since the 1st appellant is my mother, I don't wish to take any further action to be taken against her for having conducted herself in this manner.
5. In view of the aforesaid circumstances, it is just and necessary that this Hon'ble Court may be pleased to delete my name from the list of parties as prayed in the accompanying application.

SdJ Deponent.

Verification

Verified at on this the day of ,

20 that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. If possible, prayer should be avoided and removed from affidavits.

|  |  |
| --- | --- |
| **AFFIDAVIT TO BE FURNISHED BY THE SHAREHOLDER TO THE COMPANY FOR ISSUANCE OF DUPLICATE SHARE CERTIFICATE (S).** |  |

The Board of Directors,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Limited/ Private Limited,

Regd. Office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Affidavit of Mr./Ms.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o/D/o, of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

aged about \_\_\_\_\_\_\_\_\_ years,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above named deponent, solemnly affirm and state as under:

1. That I am the applicant in the application being submitted for issuance of duplicate Equity share certificate(s) and as such I am fully conversant with the facts deposed to herein below.
2. That \_\_\_\_\_\_\_\_\_\_\_\_ Equity shares of the face value of Rs. \_\_\_\_\_\_\_\_\_\_ each fully paid-up as per details given hereunder stand registered in my name in the books of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Limited/ Private Limited (hereinafter referred to as "the Company").

|  |  |  |
| --- | --- | --- |
| **Certificate No.** | **No. of Shares** | **Distinctive No(s).** |
| ------ | ---- | ------- |

1. That the certificate (s) in respect of the aforesaid Equity shares has been lost from my custody and is not forthcoming.
2. That the certificate(s) in respect of the aforesaid Equity shares were not accompanied by any blank transfer deed(s) signed by me and that I have not, nor has any person by my order or on my behalf or in any other manner disposed off, parted with the said Equity share certificate(s)or assigned our interests therein or part thereof to any person.
3. That notwithstanding our diligent efforts, we have not been able to trace/locate the said share certificate(s).
4. That we have requested the Company to issue in our names, duplicate share certificate(s) in lieu of the aforesaid share certificate.
5. We solemnly verify that the facts stated above are true and nothing material has been concealed.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent, do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_this \_\_\_\_\_day of \_\_\_\_\_\_

**DEPONENT**

**AFFIDAVIT TO BE FURNISHED BY THE SHAREHOLDER TO THE COMPANY FOR ISSUANCE OF DUPLICATE SHARE CERTIFICATE**(S).   
  
The Board of Directors,   
  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Limited/Private Limited,   
  
Regd. Office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
  
Affidavit of Mr……………………………………………………………………….……….,

S/o Mr…………………………………………………………………………………………….

age ………………………………………………………………………………………………. years,

resi\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
I, the above named deponent, solemnly affirm and state as under:   
  
1. That I am the applicant in the application being submitted for issuance of duplicate Equity share certificate(s) and as such I am fully conversant with the facts deposed to herein below.   
  
2. That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Equity shares of the face value of Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ each fully paid-up as per details given hereunder stand registered in my name in the books of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Limited/Private Limited (hereinafter referred to as "the Company").   
  
Certificate No. No. of Shares Distinctive No(s). -\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. That the certificate (s) in respect of the aforesaid Equity shares has been lost from my custody and is not forthcoming.   
  
4. That the certificate(s) in respect of the aforesaid Equity shares were not accompanied by any blank transfer deed(s) signed by me and that I have not, nor has any person by my order or on my behalf or in any other manner disposed off, parted with the said Equity share certificate(s)or assigned our interests therein or part thereof to any person.   
  
5. That notwithstanding our diligent efforts, we have not been able to trace/locate the said share certificate(s).   
  
6. That we have requested the Company to issue in our names, duplicate share certificate(s) in lieu of the aforesaid share certificate.   
  
7. We solemnly verify that the facts stated above are true and nothing material has been concealed.   
  
DEPONENT   
  
Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,   
  
 **VERIFICATION**I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_the above named deponent, do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_this \_\_\_\_\_day of \_\_\_\_\_\_   
  
DEPONENT

|  |  |
| --- | --- |
| **AFFIDAVIT TO BE FURNISHED TO THE INCOME TAX AUTHORITIES FOR OBTAINING INCOME TAX CLEARANCE CERTIFICATE.** |  |
|  |  |

Affidavit of Mr/Ms.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o,/D/o Mr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

aged\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above named deponent, solemnly affirm and declare as under:

* 1. That I am fully conversant with the facts deposed to below.
  2. That I am holder of Indian Passport bearing No. \_\_\_\_\_\_\_\_\_dated \_\_\_\_\_\_\_.
  3. That I am permanent resident of \_\_\_\_\_\_\_\_\_\_\_\_\_.
  4. That my sources of income are Income from Salary, Income from business and Income from House Property.
  5. That I am duly filing my income tax returns and have paid all my tax liabilities on my total income till the Assessment Year \_\_\_\_\_\_\_\_\_
  6. That I have no other source of income.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_\_this\_\_\_\_\_\_day of \_\_\_\_\_\_

**DEPONENT**

**AFFIDAVIT TO BE FURNISHED TO THE REGISTRAR OF MARRIAGES UNDER HINDU MARRIAGE ACT, 1955.**

|  |  |
| --- | --- |
|  |  |

 Affidavit of Mr \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o, Mr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

aged\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above named deponent, solemnly affirm and state as under:

1. That I am fully conversant with the facts deposed to below.
2. That my marriage with Mrs.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Bride) was solemnized on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (Place) .
3. That my date of birth is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. That prior to this marriage I was unmarried/legal divorcee.
5. That I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Bridegroom) and Mrs. \_\_\_\_\_\_\_\_\_\_\_\_\_ (Bride) are not related to each other within the prohibited degree of relationship as per Hindu Marriage Act, 1955.
6. That I am a Citizen of the Republic of India.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_this\_\_\_\_\_\_day of\_\_\_\_\_\_\_

**DEPONENT**

**AFFIDAVIT TO BE SUBMITTED**

**WITH A WRIT PETITION**

|  |  |
| --- | --- |
|  |  |

Before the Hon'ble High Court of Juridicture at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Writ Petition No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mr………………………………………………..……..

aged ………………………………………………….…years,

S/o Mr. ………………………………………………….

resi \_.........................................................................................

1…..……….…………………………… …….Petitioner

………………………………………………………….

2…………………………………………… Opposite Parties

Affidavit of Mr……………………………………

S/o Mr……………………………………………..

Age\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

resi……………………………………………………

I, the above named deponent, solemnly affirm and state on oath as under:

* 1. That I am the Petitioner in the above mentioned writ petition and am fully conversant with the facts deposed to in the Writ Petition.
  2. That the contents of paragraphs \_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_ of the accompanying writ petition are true to my personal knowledge and the contents of paragraphs \_\_\_\_\_\_\_ to \_\_\_\_\_ are based on legal advice, which I believe to be true. No material has been concealed and no part is false.
  3. That the Annexure No(s). 1 to 10 to the accompanying writ petition are true copies of the originals and I have compared the said Annexures with their respective originals and certify them to be true copies thereof.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_this\_\_\_\_\_\_day of \_\_\_\_\_\_\_

**DEPONENT**

**AFFIDAVIT TO BE SUBMITTED**

**WITH A WRIT PETITION**

In the Honourable High Court of Judicature at ...................................................

Writ Petition No ……………………………..of …………………

A, aged………………………….

son of Shri ………………………………………………………..

.resident of…………………………………………………………Petitioner

Vs

1. Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. District Magistrate . .......................................................

....................................................................................................... Opposite Parties

Affidavit of A aged …………………..……….

son of Shri…………………………….……………………

resident of ………………………………….……………..

I, A, the above named deponent, do hereby solemnly affirm and state on oath as under:

1 . That I am the Petitioner in the abovementioned writ petition and am fully conversant with the facts of the case deposed in the writ petition.

2. That the contents of paragraphs…………………….to ……………………of the accompanying writ petition are true to my personal knowledge and the contents of paragraphs ................ to are based on legal advice, which I believe to be true. No material has been concealed and no part is false. So help me God.

3. That the Annexure Nos. 1 to 12 to the accompanying writ petition are the true copies of the originals and I have compared the said annexures with their respective originals and certify them to be true copies thereof.

Place ...................

Date…………….

Deponent

**Verification**

I, A, the above named deponent do hereby certify that the contents of paragraphs 1 to 3 of this affidavit are true to my knowledge. Nothing has been concealed and no part of it is false. So help me God.

Verified at……..………. this…………………… day of……………….

Date Deponent

**AFFIDAVIT TO BE SUBMITTED WITH THE APPLICATION FOR CHANGE OF NAME IN THE CERTIFICATE.**

The Registrar,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ University

Affidavit of Miss.\_priya\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

D/o, of Mr. Pankaj\_X\_\_\_\_\_\_\_\_\_\_\_\_\_ now Mrs. \_\_\_\_\_\_\_\_\_\_\_, wife of Mr\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged \_\_\_\_\_ years, resi \_mall Road,Kanpur\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the above named deponent, solemnly affirm and state as under:

1. That I am the applicant in the application being submitted for the change in name and as such I am fully conversant with the facts deposed to below.
2. That I pursued and passed three years Bachelors Degree in Commerce (Hons.), Course from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_College, affiliated to your University under name Miss.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_from the year \_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_under roll No.\_\_\_\_\_\_\_\_\_\_\_\_.
3. That my marriage was solemnized with Mr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_, That due to different surname of my husband, my name has changed from Miss. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to Mrs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. That I have been selected and appointed on probation as Section Officer in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the appointing authority has advised me to submit the Certificate confirming change of my name.
5. That I, now addressed under my changed name as Mrs.\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is one and the same person as Miss\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ before my marriage with Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was solemnized.
6. That it is necessary to issue the Certificate in the changed name.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_ day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_\_this \_\_\_\_\_day of\_\_\_\_\_\_\_

**DEPONENT**

**AFFIDAVIT TO BE SUBMITTED WITH THE APPLICATION TO THE REGIONAL TRANSPORT AUTHORITY FOR ISSUANCE OF DUPLICATE DRIVING LICENCE.**

Before the Regional Transport Officer, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,(City)

Affidavit of Mr./Ms.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o./D/o., Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

aged\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

I, the above named deponent, solemnly affirm and state as under:

1. That I am the applicant in the application for the issue of duplicate driving licence and as such fully conversant with the facts deposed to below.
2. That I was issued driving licence no.\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_ by your office to drive Scooter and car with gears.
3. That my driving licence no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been lost on or about \_\_\_\_\_\_\_\_\_\_, for which I have lodged FIR with Police Station, \_\_\_\_\_\_\_\_\_\_vide FIR No. \_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_.
4. That I have not deposited the said driving license with any Court or any other public authority.
5. That my licence has not been cancelled and no charge sheet has been filed against me for any offence under the Motor Vehicles Act or Rules made thereunder or any other law for the time being in force.
6. That I am otherwise qualified to hold the driving licence.
7. That if the original licence will be found, I undertake to deposit the same with your office.
8. That in view of the above, it is necessary that duplicate driving licence be issued to me.

**DEPONENT**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_day of \_\_\_\_,

**VERIFICATION**

I, \_\_\_\_\_\_\_\_the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_\_\_this \_\_\_\_\_\_day of\_\_\_\_\_\_

**DEPONENT**

Precedent No. 38

AFFIDAVIT: UNDER ORDER VII, RULE 16

C.P.C. - DECLARATION OF LOSS OF

NEGOTIABLE INSTRUMENTS BY A BANKER

IN THE SUBORDINATE JUDGE'S COURT OF

Regular Suit No of 20

Plaintiff:

Vs.

Defendant:

AFFIDAVIT

I, , S/o , aged years,

now residing in , do hereby swear in the name of God that:—

1.I am the Senior Manager of the plaintiff bank. Being well acquainted with the facts and circumstances of the case, I am competent and duly  
authorised to swear to this affidavit and will refer to myself as the plaintiff bank hereinafter.

2. The defendant abovenamed issued a cheque No on

dated for a sum of Rs

3. The said cheque was presented by the defendant on to

the plaintiff bank for collection.

4. In due course of business the said cheque was sent to for

collection by post.

5. In the meantime, the defendant requested the plaintiff bank to

Advance Rs \_\_\_\_\_\_\_\_\_\_\_\_\_being the proceeds of the said cheque

and the plaintiff bank, in good faith, allowed the defendant to

withdraw the amount covered by the cheque on

6. On the enquiries made by the plaintiff bank, the Lord Krishna Bank,

Trichi, by letter dated , informed the plaintiff bank that the said cheque was never received by them.

1. It is apparent that the cheque so sent was lost in transit.
2. In view of the above contingent situation, the plaintiff bank requested to issue another cheque in lieu of the lost cheque, but the defendant refused to do so.
3. It is amply clear from the facts mentioned above that the cheque in question was lost due to circumstances beyond the control of the plaintiff bank and not owing to any willful default, neglect or laches on the part of the said bank.

10. It is further assured that the lost cheque, if and when traced out, the plaintiff bank shall produce the same before this Hon'ble Court.

SdJ Deponent.

Verification

Verified at……………………… on this the day of , 20 , that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 22

AFFIDAVIT: UNDER

ORDER XLI, RULE 27 OF

THE CODE OF CIVIL

PROCEDURE, 1908

BEFORE THE CITY CIVIL COURT,

Interlocutory Application No of 20

In

Civil Appeal No of 20

Applicant/Appellant:

Vs.

Respondent:

AFFIDAVIT of ,W/o aged years, presently

and permanently residing in

The deponent abovenamed, hereby solemnly affirms and declares as follows:

1. That the deponent is the petitioner in the Application and appellant in the Appeal referred to above. Being well conversant with the facts and  
circumstances of the case, the deponent is fully competent to swear to  
this affidavit. The deponent will be referred to as the applicant hereinafter.

2. This appeal was filed on by the applicant against the Judgment

and decree of the City Civil Court XVV, in O.S. No.

3. It is submitted that prior to , notwithstanding the exercise of

due diligence by the applicant, the accompanying documents could not have been procured by her as she had absolutely no knowledge of the transactions mentioned therein. Immediately after coming to know of the existence of the aforesaid transactions and the documents concerning the same on , the applicant applied for copies of said registered documents before the Sub-Registrar and obtained the same only on She is now producing the same alongwith the accompanying

application.

1. In view of the aforementioned facts, it is most apparent that the non-production of the said documents earlier in the Court is owing to the circumstances referred to above and not owing to any willful default, neglect or laches on part of the applicant.
2. It is submitted that the aforesaid documents are of vital significance and will prove to be highly instrumental in establishing the case of the applicant and facilitate the easy and just disposal of the appeal by this Hon'ble Court.
3. In case the said documents are not received on file and in evidence by this Hon'ble Court, it will cause irreparable injury and hardship to the applicant.
4. It is, therefore, in the interest of justice that the documents listed in the accompanying application may be received by this Hon'ble Court on file and in evidence.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 1

AFFIDAVIT: UNDER ORDER XXXIX, RULE I

OF THE CODE OF CIVIL PROCEDURE,

1908 - AD INTERIM INJUNCTION

BEFORE THE HON'BLE SUBORDINATE JUDGE'S COURT

LA. No of 20

In

O.S No of 20

Petitioner/ Plaintiff

Vs.

Respondent/ Defendant

AFFIDAVIT of , S/o , aged ,

residing at The deponent abovenamed hereby solemnly affirms and states as follows:—

1. The deponent is the petitioner in the accompanying application and the

plaintiff in the suit referred to above and being well-versed with the facts and

circumstances of the case, the deponent is fully competent to swear to this

affidavit.

2.The suit is filed, inter alia, for a decree for permanent prohibitory injunction restraining the respondent from disposing of the suit property, bearing no, during the pendency of the suit.

3. On , the respondent had agreed to sell the aforesaid property

to the deponent, for a sum of Rs Further, on , a sum of

Rs was paid to the respondent by the deponent as earnest

money and the respondent promised to handover the possession of the

said premises to the deponent on However, when the deponent

visited the respondent on the said date, the respondent categorically refused to sell the suit property to the deponent and told the deponent to regard the agreement to sell the suit property as cancelled.

1. In view of the malicious and dishonest intention of the respondent, the deponent was forced to file the suit referred to above.
2. Further, when the deponent came to know of the respondent's ongoing negotiations with prospective buyers with a view to dispose of the suit property to a third party, the deponent had no option but to file the accompanying application against the respondent.
3. The facts disclosed in the plaint and in the affidavit and the documents produced by the petitioner make it abundantly clear that the petitioner has a strong prima facie case.
4. It is respectfully submitted that if this Hon'ble Court grants the injunction sought, the respondent will not be harmed in any manner whatsoever since the respondent always intended to sell the suit property. On the other hand, if the said injunction is not granted in favour of the deponent, the deponent will suffer irreparable injury incapable of being adequately remedied by way of damages as the deponent is presently a tenant in the

house bearing no and he has already been asked to vacate the

said premises by Therefore, if the interim injunction sought in the

accompanying application is not granted by this Hon'ble Court, the deponent and his family will have nowhere to go in.

1. If an ex-parte order of injunction is not granted and this Hon'ble Court orders notice in the injunction application, the injunction will be rendered infructuous and the purpose of the suit will be entirely defeated.
2. It is therefore, just and necessary that this Hon'ble Court may be pleased to pass an ex-parte order of an interim injunction restraining the respondent herein or his employees, servants, agents or representatives from disposing of the suit property to a third party during the pendency of this suit.

Sd./ Deponent.

Verification

Verified at ………………on this the day of

20……………………………… that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note.—Affidavit to be attested by the appropriate authority prescribed under law. It is reminded that language of the affidavit should preferably be in 'first person'.

Precedent No. 6

AFFIDAVIT: UNDER

ORDER XXXVII, RULE 5 OF

THE CODE OF CIVIL

PROCEDURE, 1908

BEFORE THE HON'BLE CIVIL COURT

Interlocutory Application No of 20

In

Original Suit No of 20

Petitioner:

Vs.

Counter Petitioner:

AFFIDAVIT of , S/o , aged ,

residing at ………………………….

The deponent abovenamed hereby solemnly affirms and declares as under:—

1. The deponent is the Managing Partner and authorised signatory of

the petitioner in the application and the plaintiff in the suit

referred to above. The deponent is fully conversant with the facts and

circumstances of the case and stands competent to swear to this affidavit on

behalf of the petitioner. The deponent will be referred to as the petitioner

hereinafter.

2. The suit is filed for recovery of an amount of Rs with future

interest from the counter-petitioner who owes the money to the petitioner. The amount is due under a promissory-note executed by the counter-petitioner in favour of the petitioner, which note is produced alongwith the plaint as document No. 1.

1. Inspite of repeated requests made by the petitioner, the counter-petitioner did not care to effect payment or settle the account, which necessitated the filing of the suit.
2. Before filing the suit, the petitioner had sent a legal notice to the counter-petitioner through its lawyers M/s A reply containing false and frivolous contentions was sent by the counter-petitioner, without remitting the amount. At the same time, he started taking steps for disposing of the stock in trade kept in his business premises at the address given above with a view to siphoning off the sale proceeds into his private and concealed coffers for screening it from creditors like the petitioner. His attempt is to remove those goods, dispose of the same and then start a business in the name of his son thereby effectively defeating a creditor like the petitioner. The petitioner has come to know of the said threatened plans of the counter-petitioner two days ago when he made discrete enquiries through his agent, from dependable sources.

5. For the various reasons mentioned in the plaint, the suit is likely to be  
decreed in favour of the petitioner in terms of the plaint. If pending  
disposal of the same, the counter-petitioner is allowed to do the  
threatened act, it will cause irreparable loss, injury and hardship to the  
petitioner, incapable of being remedied by way of damages. Moreover, the  
counter-petitioner does not have any other property or assets, movable or  
immovable, in his ownership or possession. The petitioner will be left high  
and dry, if the threatened acts are allowed to go unchecked. Therefore,

the counter-petitioner has to be restrained from doing so. 6. It is, therefore, just and necessary that this Hon'ble Court within a time to be stipulated by this Hon'ble Court, issue notice as to why he should not

be asked to furnish security for an amount of Rs necessary

for satisfying the decree that is likely to be passed against him in the present suit, or the scheduled properties to be attached and removed to the premises of this Court and, in the meantime, to order interim attachment and removal to this Hon'ble Court's custody of the movable items belonging to the counter-petitioner and detailed in the schedule attached as prayed for in the accompanying application.

Sd./ Deponent.

Verification

Verified at on this the day of , 20

that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note.—Affidavit to be attested by the appropriate authority prescribed under

law.

Precedent No. 55

AFFIDAVIT: UNDER SECTION 2 OF THE

DISSOLUTION OF MUSLIM MARRIAGE

ACT, 1939

BEFORE THE HON'BLE DISTRICT COURT,

Affidavit in Divorce O.P. No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, ,W/o , D/o ,

aged years, now residing in , do

hereby solemnly affirm and state as follows:—

1. I say that, I am the deponent abovenamed and I am well acquainted with  
the facts and circumstances of the case. I am competent to swear to this  
affidavit.

2. I say that, I and my husband, namely the respondent herein are both

Muslims and were married under the Muslim Law at ,

on ,20

3. I say that, the respondent was prosecuted and convicted and sentenced  
to imprisonment for a period of seven years under section 376 of the

Indian Penal Code, 1860 in Sessions Case No by the District

and Sessions Court. Further, the appeal preferred by the respondent,

Criminal Appeal No , against the aforesaid conviction before the Hon'ble High Court was dismissed. Since the respondent did not approach the Hon'ble Supreme Court against the said order of the Hon'ble High Court, the sentence mentioned above has become final.

1. I say that, in view of the aforesaid fact, I am entitled to a decree for dissolution of my marriage with the respondent.
2. It is therefore, in the interest of justice, equity and conscience that this Hon'ble Court may be pleased to issue appropriate orders for the dissolution of marriage.

Sd./ Deponent.

Verification

Verified at on this the day of ,20 , that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided in affidavits and only facts may be given as far as possible and practical.

Precedent No. 59

AFFIDAVIT: UNDER SECTION 10 OF

THE HINDU MARRIAGE ACT, 1955 –

JUDICIAL SEPARATION

IN THE COURT OF THE ADDL. DISTRICT JUDGE,

H.M.A. Petition No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT of , S/o , aged ,

presently residing in

The deponent abovenamed hereby solemnly affirms and states as follows:—

1. That, the deponent is the petitioner in the accompanying petition and is well conversant with the facts and circumstances of the case. The deponent is competent to swear to this affidavit.
2. That, the marriage of the deponent was solemnized with the respondent at Delhi, on , as per Hindu rites and ceremonies.
3. That, the details laid out in the accompanying petition, with regard to the age, status and place of residence of the deponent before marriage and at the time of filing this petition, may be treated as part of this affidavit.

4. That, after the said marriage, the deponent lived with the respondent at

his residence till and on the respondent, without any

cause or justification, left the matrimonial home and started living with her parents.

1. That, the respondent has withdrawn from the company of the deponent and all the efforts of the deponent to bring the respondent back to the matrimonial home have come to nought in the wake of the respondent's unflinching intention to live separately from the deponent.
2. That, since the respondent is not at all inclined to live with the deponent, it is in the interest of justice that judicial separation may be ordered.
3. That, there has not been any unnecessary or improper delay in filing this petition.
4. That, there is no other legal ground why the relief should not be

granted.

1. That, there have not been any other previous proceedings between the parties.

Sd./ Deponent.

Verification

Verified at on this the day of , 20 , that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 57

AFFIDAVIT: UNDER SECTION 11 OF

THE HINDU MARRIAGE ACT, 1955 –

DECREE FOR NULLITY OF MARRIAGE

IN THE COURT OF ADDL. DISTRICT JUDGE,

H.M.A. Petition No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, , W/o , D/o , presently

residing in , do hereby solemnly affirm and declare as follows:—

1. That, I am the petitioner in the accompanying petition and I am well conversant with the facts and circumstances of the case. I am competent to swear to this affidavit.
2. That, I was married to the respondent at Delhi, on , as per

Hindu rites and ceremonies.

1. That, the details laid out in the accompanying petition, regarding my age, status and place of residence before marriage and at the time of filing this petition, may be treated as part of this affidavit.
2. That, after marriage, I lived with the respondent in his house till I left the matrimonial house on
3. That, no child was born out of the wedlock between the respondent and me.
4. That, the respondent concealed the fact of his earlier marriage and was having a spouse living at the time of his marriage with me.
5. That, this petition has not been presented in collusion with the respondent.
6. That, there has not been any unnecessary or improper delay in filing this petition
7. That, there is no other legal ground why the relief should not be

granted.  
10. That, there have not been any other previous proceedings between

the parties.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 63

AFFIDAVIT: UNDER SECTION 13(1)(i) OF

THE HINDU MARRIAGE ACT, 1955 –

DISSOLUTION OF MARRIAGE ON THE

GROUND OF ADULTERY

IN THE COURT OF ADDL DISTRICT JUDGE,

H.M.A. Petition No of 20

Petitioner:

Vs.

Respondents:

AFFIDAVIT of , W/o , D/o , aged

years, now residing in

The deponent abovenamed solemnly affirms and states as follows:—

1. That the deponent is the petitioner in the accompanying petition and being well conversant with the facts and circumstances of the case, the deponent is competent to swear to this affidavit.
2. That the marriage between the deponent and the respondent was solemnised at Delhi, on , as per Hindu rites and ceremonies.
3. That the details laid out in the accompanying petition, with regard to the age, status and place of residence of the petitioner before marriage and at the time of filing this petition, may be treated as part of this affidavit.
4. That the respondent is guilty of committing adultery as the respondent is living with the co-respondent and has failed to return to the matrimonial home.
5. That the petition is not presented in collusion with the respondent.
6. That there has been no unnecessary or improper delay in filing this petition.
7. That there is no other ground why the relief should not be granted.
8. That there have not been any other previous proceedings between the parties.

Sd./ Deponent.

Verification

Verified at on this the day of , 20

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 56

AFFIDAVIT: UNDER SECTION 13(1)(ia) OF

THE HINDU MARRIAGE ACT, 1955 –

DISSOLUTION OF MARRIAGE ON THE

GROUND OF CRUELTY

BEFORE THE ADDL DISTRICT JUDGE,

H.M.A. Petition No

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, , W/o , D/o , presently

residing in , do hereby solemnly affirm and state as follows:—

1. That, I am the petitioner in the accompanying application for dissolution of marriage. I am well conversant with the facts and circumstances of the case and I am competent to swear to this affidavit.
2. That, I was married to the respondent herein at Delhi, on

, as per Hindu rites and ceremonies.

3. That, I was unmarried before my marriage to the respondent and my  
address before marriage and at the time of filing this petition

was My age before marriage and at the time of filing

this petition was and respectively.

1. That, after marriage, I lived with the respondent in his house till, owing to the cruelty bestowed upon me by the respondent and his mother, I was forced to leave the matrimonial house on
2. That, no child was born out of the wedlock between the respondent and me.
3. That, I have not been able to live with the respondent and have been living separately since the aforesaid date. There has been absolutely no cohabitation between the respondent and me ever since.
4. That, all efforts towards reconciliation with the respondent have proved futile and there is no possibility or scope whatsoever of our ever living together as a married couple.
5. That, I have not been an accessory to or connived at or condoned the acts of cruelty complained of.
6. That, there have not been any other proceedings with regard to marriage by or on behalf of any party.
7. That, this petition is not presented in collusion with the respondent.
8. That, there is no other legal ground why the relief should not be granted.
9. That, there has been no unnecessary delay in filing this petition.

Deponent.

Verification

Verified at on this the day of

20 , that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally

known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 58

AFFIDAVIT: UNDER SECTION

13(1)(ib) OF THE HINDU MARRIAGE

ACT, 1955

IN THE COURT OF ADDL. DISTRICT JUDGE,

H.M.A. Petition No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, , W/o , D/o , presently residing in , do hereby solemnly affirm and state as follows:—

1. That, I am the petitioner in the accompanying petition and I am well conversant with the facts and circumstances of the case. I am competent to swear to this affidavit.
2. That, my marriage with the respondent was solemnised at Delhi, on, as per Hindu rites and ceremonies.
3. That, details laid out in the accompanying petition, with regard

to my age, status and place of residence of the petition before

marriage and at the time of filing this petition, may be treated

as part of this petition.

1. That, no child was born out of the wedlock between the

respondent and me.

1. That, the respondent, without any cause or justification, left

the matrimonial home on and has not returned to the

matrimonial home ever since although the petitioner has made

all efforts to bring him back.

1. That, the respondent has completely withdrawn from the

company of the petitioner since the aforementioned date.

1. That, the petition is not presented in collusion with the

respondent.

1. That, there is no other legal ground why the relief should not be

granted.

1. That, there has not been any unnecessary or improper delay in

filing this petition.

1. That, there have not been any other previous proceedings

between the parties.

Sd./ Deponent.

Verification

Verified at on this the day of ,20 , that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 61

AFFIDAVIT: UNDER SECTION 13B OF THE

HINDU MARRIAGE ACT, 1955 –

DISSOLUTION OF MARRIAGE BY MUTUAL

CONSENT (FIRST

MOTION)

BEFORE THE HON'BLE ADDL. DISTRICT COURT,

H.M.A. Petition No of 20

Petitioner No. 1:

Vs.

Petitioner No. 2:

AFFIDAVIT

I, , W/o , D/o ,

presently residing in

That the deponent abovenamed, hereby solemnly affirms and declares as

under:—

1. That the deponent herein is petitioner No. 1 in the accompanied petition and being well conversant with the facts and circumstances of the case, the deponent is fully competent to swear to this affidavit.
2. That the deponent was married to petitioner No. 2 at Delhi on as

per Hindu rites and ceremonies.

3. That after the marriage, a male child by the name of was born

out of the wedlock of the parties on

1. That the details mentioned in the accompanying petition, regarding the age, status and place of residence of the deponent at the time of marriage and at the time of institution of this petition, may be read as a part of this affidavit for the sake of brevity.
2. That the parties herein lived together in the house of petitioner No. 2 till the petitioner No. 1, owing to the temperamental differences with the petitioner No. 1 and absolute incompatibility between the two, left the matrimonial home on
3. That the parties could not live together and have been living separately since the aforementioned date and there has been absolutely no cohabitation between the parties ever since.
4. That owing to the failure of all efforts of both the parties at reconciliation, the marriage between the parties has come to an irretrievable breakdown.
5. That the parties have compromised all their disputes and have decided to seek divorce by mutual consent on the following terms:

The petitioner No. 2 has agreed to pay a sum of Rs in all to the

deponent towards maintenance past and future for the deponent and the minor child, stridhan, dowry in whatever form, etc., and thereafter the deponent will have no right to lay any claim, whatsoever, on the person or any property of petitioner No. 2.

That out of the aforesaid amount, a sum of Rs has already been

paid by petitioner No. 2 to the deponent by way of draft No

dated issued by in the Court of Shri on when the deponent had withdrawn her petition under section 125 of the Code of

Criminal Procedure. Further, out of the balance, a sum of Rs shall be

paid at the time of recording of the statement of the petitioners in the first

motion before this Court and another sum of Rs shall be payable at

the time of recording the statement in the second motion before this

Court and the balance of Rs will be payable at the time of quashing of the proceedings arising under sections 498A/406, IPC and that now  
pending disposal in the Court of Shri

9. That it has been agreed between the parties that the child named above shall remain in care and custody of the deponent and petitioner No. 2 shall have visitation rights only.

1. That petitioner No. 2 shall never claim the custody of the said child and the deponent has undertaken not to claim any maintenance from petitioner No. 2 for the said child.
2. That the mutual consent has not been obtained by any force, fraud or undue influence.
3. That the petition has not been presented in collusion with the petitioner No. 2.
4. That there has not been any unnecessary or improper delay in filing this petition.
5. That there is no other legal ground, why the relief should not be granted.

SdJ Deponent.

Verification

Verified at on this the day of , 20 ,

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 60

AFFIDAVIT: UNDER SECTION 13B OF THE

HINDU MARRIAGE ACT-DISSOLUTION

OF MARRIAGE BY MUTUAL CONSENT

IN THE COURT OF DISTRICT AND SESSIONS JUDGE,

H.M.A Petition No of 20

Petitioner No. 1

Vs.

Petitioner No. 2

AFFIDAVIT of , S/o , aged years,

presently residing in

The deponent abovenamed hereby solemnly affirms and states as follows:—

1. That the deponent is petitioner No. 2 in the petition referred to above. Being well conversant with the facts and circumstances of the case, the deponent stands competent to swear to this affidavit. The deponent further states that whatever is stated in the accompanying petition has been drafted by the deponent in consultation with experts and the contents thereof are true and correct to the best of my knowledge and nothing material has been concealed therefrom.
2. That the marriage between the parties took place at ,

on , as stated in the petition.

3. That the petitioner No. 1 is a citizen of while the deponent

herein is a citizen of India.

4. That the deponent is now residing at at the address given in

the petition and this affidavit.

5. That the deponent is living separately atleast from

and never lived together with petitioner No. 1 ever since.

1. That the deponent has agreed that the custody and care of the only child of the parties be retained by the deponent subject, however, to visitation rights of petitioner No. 1.
2. That all the statutory requirements have been duly complied with.
3. That there is no collusion, force, fraud, coercion or undue influence on the deponent herein.
4. That for the sake of brevity, the contents of the accompanying petition may kindly be read herein.

10. That the facts stated above and also in the petition are true and correct to the best of the knowledge and belief of the deponent and nothing material has been concealed therefrom.

Sd./ Deponent.

Verification

Verified at on this the of 20 that the contents of

the above affidavit are true and correct to the best of knowledge, belief and information of the deponent and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 62

AFFIDAVIT: UNDER SECTION 13B(1) OF

THE HINDU MARRIAGE ACT, 1955 –

DISSOLUTION OF MARRIAGE BY MUTUAL

CONSENT (SECOND

MOTION)

IN THE COURT OF ADDL DISTRICT JUDGE,

H.M.A. Petition No of 20

Petitioner No. 1:

Vs.

Petitioner No. 2:

AFFIDAVIT of , W/o , D/o , aged

years, presently residing in

The deponent abovenamed solemnly affirms and states as under:—

1. That the deponent is petitioner No. 1 in the accompanying petition and is well conversant with the facts of the case. The deponent is competent to swear to this affidavit.
2. That the marriage of the parties was solemnised at Delhi on , as per Hindu rites and ceremonies.
3. That a female child, by the name of , was born out of the

wedlock between the parties on

1. The said child is in the care and custody of the deponent and petitioner No. 2 has only visitation rights with regard to the child.
2. That the parties had filed a petition for dissolution of their marriage on the ground of mutual consent under section 13B(1) of the Hindu Marriage Act, 1955, by way of first motion, wherein this Hon'ble Court was pleased to pass orders allowing the petition.
3. That the details mentioned in the accompanying petition, regarding the age, status and place of residence of the deponent at the time of marriage and at the time of institution of this petition, may be read as a part of this affidavit for the sake of brevity.
4. That the parties herein lived together in the house of petitioner No. 2 till the petitioner No. 1, owing to the temperamental differences with the petitioner No. 1 and absolute incompatibility between the two, left the matrimonial home on
5. That the parties could not live together and have been living separately since the aforementioned date and there has been absolutely no cohabitation between the parties ever since.
6. That owing to the failure of all efforts of both the parties at reconciliation, the marriage between the parties has come to an irretrievable breakdown.

10. That the parties have compromised all their disputes and have decided to seek divorce by mutual consent on the following terms:

The petitioner No. 2 has agreed to pay a sum of Rs in all to the deponent towards maintenance past and future for the deponent and the minor child, stridhan, dowry in whatever form, etc., and thereafter the deponent will have no right to lay any claim whatsoever on the person or any property of petitioner No. 2.

That out of the aforesaid amount, a sum of Rs has already been

paid by petitioner No. 2 to the deponent by way of draft No

dated issued by in the Court of Shri

on when the deponent had withdrawn her petition under section 125 of the Code of Criminal Procedure. Further, out of the balance, a sum of Rs was agreed to be paid at the time of recording of the statement of the petitioners in the first motion before this Court and another sum of Rs shall be payable at the time of recording the

statement in the second motion before this Court and the balance of

Rs will be payable at the time of quashing of the proceedings

arising under section 498A/406, IPC and are now pending disposal in the Court of Shri

11. That a sum of Rs is, therefore payable by way of a demand draft

bearing No issued by

1. That it has been agreed between the parties that the child named above shall remain in care and custody of the deponent and petitioner No. 2 shall have visitation rights only.
2. That petitioner No. 2 shall never claim the custody of the said child and the deponent has undertaken not to claim any maintenance from petitioner No. 2 for the said child.
3. That the mutual consent has not been obtained by any force, fraud or undue influence.
4. That the petition has not been presented in collusion with the petitioner No. 2.
5. That there has not been any unnecessary or improper delay in filing this petition.
6. That there is no other legal ground why the relief should not be granted.

Sd./ Deponent.

Verification

Verified at on this the day of , 20 , that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of , 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 39

AFFIDAVIT: UNDER

SECTION 24 OF THE C.P.C.

-SEEKING TRANSFER OF

SUIT

BEFORE THE HON'BLE DISTRICT COURT,

Transfer original petition No of 20

In

Original Suit No of 20

BEFORE THE COURT OF

Petitioner/Defendant:

Vs.

Respondent/Plaintiff:

AFFIDAVIT of, , S/o , aged years,

now residing in

The deponent named above hereby solemnly affirms and declares as under:—

1. That the deponent is the petitioner in the Transfer O.P. and the defendant  
in the suit referred to above. The deponent is well conversant with the  
facts and circumstances of the case and competent to swear to the  
affidavit. The deponent will be referred to as the petitioner hereinafter.

2. That the suit referred to above has been filed by the respondent-plaintiff

before the sub-Court, The trial of the said suit is

almost midway.

3. That it is respectfully submitted that the petitioner here has very strong reasons to suspect that he may not get justice at the hands of the person presiding in the sub-Court Evidence has been

shut out abruptly and without following the due course of law by the learned sub-Judge, who, on various occasions during the trial, allowed the trial conducted in a manner prejudicial to the petitioner.

4. That it is further submitted that the Presiding Officer did not allow the  
petitioner's counsel to cross-examine the respondent in detail and on the submission of the respondent-plaintiff that he has no further evidence tooffer, the sub-Judge turned down the request of the petitioner for permission to cross-examine the respondent and to let in independent evidence in evidence. The sub-Judge then closed the evidence and posted the case for judgment to The Counsel for the respondent submitted that his arguments could be taken as heard and no opportunity was given to the petitioner to let in evidence or to his counsel to argue the matter.

5. That if the order of the Subordinate Judge's Court closing the

evidence and posting the case for judgment is allowed to be sustained, it will cause irreparable loss, injury, hardship and inconvenience to the petitioner since he has very serious contentions in the suit and will be in a position to disprove the claims and contentions of the respondent by letting in oral evidence.

6. That the decision of the learned sub-Judge has not only slammed the  
doors of justice on the face of the petitioner but has mocked the law of

the land and the principles of natural justice. The conduct of the learned sub-Judge in general and the said decision in particular have gone a long way in creating a genuine apprehension in the mind of the petitioner that he will not get justice at the hands of the sub-Judge.

7. That in view of the aforementioned circumstances, the petitioner deserves and prays that the suit be transferred from the files of the Subordinate Judge's Court, Since both the parties to the suit are residing in a place equi-distant from and and nobody will be put to any inconvenience by the transfer of the case from to which place is a competent civil court.

8. That it is, therefore, just and necessary that this Hon'ble Court, in the  
interest of equity and good conscience, transfer the suit O.S.

No of before the Subordinate Judge's Court, to

the files of the Subordinate Judge's Court, , as prayed for in

the accompanying application.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided to the possible extend and only facts to stated is affidavits.

Precedent No. 64

AFFIDAVIT: UNDER SECTION 24 OF

THE HINDU MARRIAGE ACT, 1955 –

PETITION FOR MAINTENANCE

BEFORE THE HON'BLE ADDL DISTRICT JUDGE,

C.M.A. No of 20

In

Divorce OP. No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT of , W/o , D/o , aged

, now residing in

The deponent abovenamed hereby solemnly affirms and states as follows:—

1. That the deponent is the petitioner in the accompanying petition and is  
well conversant with the facts and circumstances of the case. The  
deponent is competent to swear to this affidavit.

2. That the deponent herein was forced to leave her matrimonial home

on owing to the cruelty perpetrated by the respondent

and his family members. Since the aforesaid date, the deponent has been living with her aged and retired father who is not in a position to support the deponent.

1. The deponent has no independent source of income and is completely dependent upon the respondent for her maintenance.
2. That the respondent has various sources of income and is possessed of movable and immovable assets mentioned below:

(i) The respondent is employed in a leading Multinational Company,  
getting an annual remuneration of more than Rs. 6.7 Lakh in addition  
to other monthly and annual allowances.

(ii) The respondent owns his own bungalow bearing

No

(iii) The respondent is having various bank accounts having huge  
deposits therein.

(iv) The respondent also owns a flat bearing No , worth over Rs.

28 Lakh.

1. It is submitted that the respondent has no other liability as all his family members have their own independent sources of income and none of them is dependent on the respondent for anything.
2. It is submitted that the respondent has intentionally and deliberately refused and neglected to maintain and support the deponent who has a legal right to be maintained by him.
3. In view of the aforementioned circumstances, it is in the interest of justice, equity and conscience that this Hon'ble Court may be pleased to

direct the respondent to pay a sum of Rs per month to the

deponent as her maintenance pendente lite and a sum of Rs

towards the cost of litigation.

Sd./ Deponent.

Verification

Verified at on this the day of , 20 ,

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

3. Criminal

Precedent No. 66

AFFIDAVIT: UNDER SECTION

125 OF THE CODE OF

CRIMINAL PROCEDURE - IN

SUPPORT OF APPLICATION FOR

INTERIM MAINTENANCE

IN THE COURT OF METROPOLITAN MAGISTRATE,

In

Criminal Complaint No of 20

Petitioners

Vs.

Respondent

AFFIDAVIT of , D/o , aged

years, presently residing in

The deponent abovenamed hereby solemnly affirms and declares as follows:—

1. That the deponent is petitioner No. 1 in the matter referred to above. The deponent is fully conversant with the facts and circumstances of the matter and stands competent to swear this affidavit.
2. That the deponent is the natural mother of petitioner No. 2 and the respondent is her natural father.
3. That petitioner No. 2 is infant girl child of 2.5 months in the custody and care of the deponent.
4. That whatever the deponent has stated in the accompanying petition and also the accompanying application for the grant of interim maintenance, is correct to her personal knowledge and nothing material has been concealed therefrom.

SdJ Deponent.

Verification

Verified at on this the day of , 20 ,

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 73

AFFIDAVIT: UNDER SECTION 138 OF

THE NEGOTIABLE INSTRUMENTS

ACT, 1881

IN THE COURT OF THE METROPOLITAN MAGISTRATE,

Criminal Complaint No of 20

Complainant:

Vs.

Accused:

AFFIDAVIT of , S/o , aged years,

presently and permanently residing in

The deponent abovenamed hereby solemnly affirms and declares as under:—

1. That the deponent herein is the Complainant in the Criminal Complaint referred to above. The deponent is well conversant with the facts and circumstances of the case and stands competent to swear to this affidavit.
2. That the complainant is a Chartered Accountant employed as a Senior Manager in Pvt. Ltd.
3. That the accused, a businessman by profession, is acquainted with the Complainant through a common family friend.
4. That on , the complainant gave a loan of Rs to

the accused for a period of 6 months.

5. That simultaneously, the accused gave a post-dated cheque bearing

No , drawn on the , in favour of the

complainant, towards repayment of the loan amount. The said original cheque is annexed hereto as Ex. CW1/1.

6. That on , the complainant deposited the aforesaid

cheque in his bank for realisation, but on

, the complainant got an intimation from the said bank

that the cheque had been dishonoured for the reasons "Funds

Insufficient". The original returning memo dated , with regard to the said cheque, is annexed hereto as Ex. CW1/2.

7. That vide letter dated , the complainant duly called upon

the accused to make the payment of the amount covered by the dishonoured cheque. The said letter was sent to the accused by registered A.D as well as U.P.C. A true copy of the said notice is annexed hereto as Ex. CW1/3. The original booking slip of the Regd. A.D is annexed hereto as Ex.CW1/4 and the original U.P.C. is annexed hereto as Ex. CW1/5.

1. The said notice was thus, duly served on the accused, who has not paid the amount covered by the cheque in question till date.
2. In view of the aforesaid facts and circumstances, the accused is liable to be prosecuted and punished under section 138 of the Negotiable Instruments Act, 1881, as amended upto date.

10. That the complainant has complied with all the requirements of section

138 of the Negotiable Instruments Act, 1881, as amended upto date, namely:

(i) The cheque in question was presented on , i.e., within

the period of its validity;

(ii) The demand for payment of money covered by the said cheque was  
made to the accused within 30 days validity period, i.e., on

(iii) That the accused failed to make the payment within 15 days of the

receipt of the said notice and the complainant has approached this

Hon'ble Court within the statutory period of one month of the expiry of

the said notice period. 11. That in view of the aforesaid facts and

circumstances, it is just and necessary that the accused be tried and

punished in accordance with law.

Sd./ Deponent.

Verification

Verified at on this the day of ,

20 , that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 69

AFFIDAVIT: UNDER S

ECTION 437 OF THE

CODE OF CRIMINAL

PROCEDURE

IN THE SESSIONS COURT OF

Criminal Miscellaneous (Bail) Application No of 20

Applicant:

Vs.

Respondent:

AFFIDAVIT of , S/o , aged ,

residing in

The deponent named above hereby solemnly and affirms as follows:—

1. That I am the deponent referred to above and the accused in Sessions

Case No , which is allegedly for an offence punishable under

section 307 read with sections 120B and 34 of the Indian Penal Code.

1. That I am fully familiar with the facts and the circumstances of the case and I am competent to depose to the facts mentioned hereunder.
2. That I am not guilty of the offence with which I am charged and I am innocent. I have been falsely implicated in the Sessions Case for having allegedly committed the offence referred to above due to past enmity with the de facto complainant who had given the First Information Statement to the Police. The aforesaid case arose out of the First Information

Statement referred to above. The F.I.R. dated , lodged by

the Police-station, was that I arrived at the residence

of the original complainant, at pm on

the , 20 , and tried to attack him with a lathi. A true

copy of the F.I.R. has been filed before this Hon'ble Court.

1. That the aforesaid facts stated in the F.I.R. are totally false, concocted and born out of the figment of the wild imagination of the informant and the Police who have registered the crime.
2. That despite the fact that the deponent was arrested a few days ago, no weapon or other material object was discovered or recovered from his person or was shown by him. The memo of arrest, which is produced herewith, will clearly bear this fact out.
3. That there is no independent evidence from any reliable source whatsoever as to the occurrence and the entire prosecution case is a fictitious one.
4. That no occurrence of a criminal nature, much less like the one alleged against the deponent, has ever taken place.
5. That the deponent is unnecessarily detained and his freedom of movement and action is curtailed, totally violating his fundamental rights.
6. That the applicant is the only earning member of his family and earns out his livelihood as a contractor. He has a large family consisting of his wife, two children, two younger siblings and aged parents. In the event of the deponent's continuing status as a detainee, his family will be forced to starve.
7. That the deponent applicant is willing to provide two solvent sureties in the event of being granted bail by this Hon'ble Court. He also undertakes to abide by all the conditions this Hon'ble Court deems fit to impose for the purpose of releasing him on bail. Further, the deponent will willingly co-operate with the investigation and not try to influence any witnesses or hamper any evidence.
8. That the deponent has not filed any bail application earlier, nor is any bail application of his is pending before this or any other Court.
9. That the deponent has never been convicted of any offence before, nor has he been implicated in any crime whatsoever.

SdJ Deponent.

Verification

I, the abovenamed deponent, verify that the contents of this affidavit are true to the best of my knowledge, belief and as per information received by me by experts and nothing material has been concealed therefrom. Date: Place:

SdJ Deponent

Solemnly affirmed and signed before me by the abovenamed deponent who is  
personally known to me, on this the day of ,20

SdJ

Counsel for the deponent

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 71

AFFIDAVIT: UNDER SECTION

438 OF THE CODE OF

CRIMINAL PROCEDURE,

1973

BEFORE THE COURT OF SESSIONS JUDGE,

In

Criminal Complaint No of 20

Applicant/Accused:

Vs.

Opposite Party:

AFFIDAVIT of , S/o , aged

years, presently and permanently residing in

The deponent abovenamed hereby solemnly affirms and states as follows:—

1. That the deponent is the applicant herein and the accused in the Criminal Complaint referred to above. The deponent is well conversant with the facts and circumstances of the present case and competent to swear to this affidavit.
2. That the deponent is a young man of 26 years. He is the Managing Director of one of the leading Multi-national Companies.
3. That the deponent is a very respectable person of his locality and is a peace loving citizen.
4. That on , the applicant got married to the , D/

, now residing in ……………

1. That the relations between the deponent and the complainant were not  
   . cordial because of the latter's extra-marital affair with the complainant,  
   who has been working with the Police.

6 That the deponent objected to such affair of his wife and did not permit her to go

out of the house.

7 That nursing a grudge against the aforesaid natural response of the deponent

and taking undue advantage of his office, the complainant got the

abovementioned complaint registered against the deponent on at

8. That the said complaint registered against the deponent is absolutely false and

incorrect. The deponent is not at all involved in the offence alleged in the

complain That as a matter of fact, the deponent is a victim at the hands of the

complainant, who has conspired with the Police and got the complaint registered.

9. That the said complaint is absolutely fictitious and pregnant with malice.

That in view of the abovementioned circumstances, the deponent apprehends

that he may be arrested in pursuance of the aforesaid fictitious complaint.

10. That the arrest of the deponent by the Police will cause irreparable loss and

injury to the impeccable reputation of the deponent and will also adversely affect

his service.

11. That the deponent is a permanent resident of , and there is

no chance of his absconding in case he is granted bail. That the deponent is not

a previous convict and has never been involved in any criminal case before.

That the deponent undertakes to abide by any of the conditions that this Hon'ble

Court may deem fit for admitting the deponent to bail. That the deponent is ready

to produce surety to the satisfaction of this Hon'ble Court.

SdJ Deponent.

Verification

Verified at on this the day of , 20 ,

that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.

Precedent No. 76

AFFIDAVIT: UNDER SECTIONS 138 AND 1

41 OF THE NEGOTIABLE INSTRUMENTS

ACT, 1881

IN THE COURT OF METROPOLITAN MAGISTRATE,

In

Criminal Complaint No of 20

Complainant:

Vs.

Accused: P.S.:

AFFIDAVIT

aged years, Proprietor Ltd., having main office at

, do hereby solemnly affirm and declare as under:

1. That the deponent shall hereinafter call himself as 'complainant' and the opposite party as 'accused'.
2. That the deponent is the complainant in the above matter and is conversant with the facts and circumstances of the case and competent to swear this affidavit which further states as under.
3. That the complainant is the proprietor of the , having main

office at the above address as stated in the title of the complaint.

1. That the respondent accused person is the proprietor of M/s
2. That during the course of business, the respondents purchased fancy lights from the complainant vide bill already Ex. CE-1/7.
3. That the accused person issued a cheque bearing No , for a

sum of Rs , drawn on , in discharge of his liability

towards the above bill which is already Ex. CW-1/1.

7. That the said cheque on its presentment has been returned by the banker of the accused person dishonored for the reason of 'stop payment' vide the memo of the banker which is already Ex. CW-1/2 which is dated 11-02-05.

8. That the counsel of the complainant issued a legal notice under section

138 of the Negotiable Instruments Act, 1881, dated , by

Registered post with AD and UPC and the notice was duly served on the accused as the AD is received back. No payment is made in compliance with the said notice by the accused. The said notice is Ex. CW-1/3, postal receipts are Ex. CW-1/4 and 5 and the returned AD is Ex. CW-1/ 6.

9 It is further stated that the aforesaid notice was mischievously replied

to, by the accused, through his counsel , which is Ex. CW-1/8,

with its envelop EX. CW-1/9, the contents whereof are vehemently

denied as being false and frivolous and concocted except what has

been admitted therein.

10. That in view of the above, the accused person has committed an offence

under section 138 of the Negotiable Instruments Act, 1881 for which he is liable to be fined for the double the amount of the cheque and imprisonment of 2 years and the complainant is entitled for compensation to the extent of fine imposed upon the accused persons.

1. That the accompanying complaint is filed in absolute compliance with the relevant statutory provisions.
2. That the offence as stated above has been committed within the

exclusive territory of The banker of the complainant is also

situated within the jurisdiction of this Hon'ble Court. Therefore, this Hon'ble Court has the jurisdiction to deal with this matter.

1. That no other complaint whatsoever has been filed by the complainant so far before any other authority or court of law in respect of the cheque which is the subject-matter of this complaint and the deponent reserves his rights to file civil case also as per law.
2. In view of the above, it is prayed in the interest of justice that this Hon'ble Court may be pleased to try and punish the accused person with imprisonment of two years and fine of double the amount of cheque and direct the same to be paid to complainant as compensation as per law.

This Hon'ble Court may be pleased to mould the relief as per law as may deem fit and proper in the facts and circumstances of the case and to meet the ends of justice or may grant any other relief in favour of the complainant accordingly.

SdJ Deponent.

Verification

Verified at on this the of 20 that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information of the deponent and nothing material has been concealed therefrom.

SdJ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided. Language should be in 'first person'.

***[See Rule 50]***

**IN THE HIGH COURT AT.............**

***Company Petition No.* ………. *of 20*…….**

**……………. Co., Ltd. - Petitioner**

**Affidavit verifying list of Creditors**

I.E.F. of ………………........................................................... etc., solemnly affirm and say as follows:-

1. I am the .......................................................…………….. of the said company.

2. The writing now produced and shown to me and marked with the letter '……………………...……' contains a list of the creditors of, and persons having claims upon, the said company on the ………………... day of ………… 20…….., (the date fixed by the order made in this matter, dated …………………………….) together with their respective addresses and the nature and amount of their debts or claims and such list is to the best of my knowledge, information and belief a true and accurate list of such creditors and persons having claims on the day aforesaid, and in cases of debts payable on a contingency or not ascertained, or any claims admissible to proof in a winding-up, the values thereof as stated in such list, are, in my belief, just and proper estimates of the values of such debts and claims respectively.

3. To the best of my knowledge and belief there was not at the date aforesaid, any debt, claim or liability which, if such date were the commencement of the winding-up of the said company, would be admissible in proof against the said company, other than and except the debts, claims and liabilities set forth in the said list and the debts, claims and liabilities to which the enquiry directed by the order made herein and dated the ………. day of ………….. 20……………………, does not extend.

4. I am enabled to make the above statements from facts within my knowledge as the …………………..……………. of the said company, and from information derived upon investigation of the affairs and the books, documents and papers of the said company.

Solemnly affirmed, etc.

Deponent

**\***

**Affidavits under Companies Act and Rules**

***[See Rule 21]***

**IN THE HIGH COURT AT.............**

***Company Petition No.* …….. *of 20*……..**

A.B. ...Applicant

And

C.D. ...Respondent

In the matter of Companies Act, 1956

**Affidavit verifying petition**

I, ……………………………………………………....,

son of ……………………………………………….,

aged ………………………………………………..,

residing at ………………………………………………………………………………..………., do solemnly affirm and say as follows :-

1. I am a director/secretary……………………………….….. of ……………………..…………… Ltd., the petitioner in the above matter (and am duly authorised by the said petitioner to make this affidavit on its behalf.)

2. The statements made in paragraphs ………………………………. of the petition herein now shown to me and marked with the letter '……….', are true to my knowledge, and the statements made in paragraphs ……………. are based on information, and I believe them to be true.

Deponent.

Solemnly affirmed and signed before me at ………….. on this day.

Advocate............

**AFFIDAVIT WITH THE APPLICATION FOR A CERTIFICATE OF NATURALIZATION UNDER CITIZENSHIP ACT**

Before the Secretary, Government of India, Ministry of Home Affairs . ..............

In the matter of application for a certificate of naturalization under the Citizenship Act, 1955.

Affidavit of A, aged about…………………….years, son of

Shri………………………………..……………….resident of……………………………………………..…………………

I, A, aged about…………………….years, son of

Shri……………………………………………………………….……….resident of………………………………………….

solemnly affirm and state as under:

1. That I have applied for the Citizenship of India by naturalisation under the Indian Citizenship Act, 1955 on ...................................

2. That I am not a citizen of any country, where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalization.

3. That I was a citizen of…………………….and I have renounced the citizenship of that country in accordance with the law therein in force in that behalf and I have notified such renunciation to the Central Government.

4. That I have stayed in India for about thirteen months i.e. w.e.f . .................... immediately preceding the date of the application for naturalization.

5. That I have resided for over 4 years in India during the seven years immediately preceding the period of twelve months.

6. That I have an adequate knowledge of language which is specified in the VIIth Schedule to the Constitution of India.

7. That I intend to permanently reside in India, in the event of a certificate of naturalization

being granted to me.

8. That if any time before the Certificate of Naturalization is issued to me, the accuracy of the aforesaid facts is changed by any alteration and circumstances, I undertake to inform the same to the Secretary, Government of India, Ministry of Home Affairs, New Delhi.

I, A, the above named deponent do hereby declare and verify that the contents of paras 1 to 7 of this affidavit are true to my knowledge, the contents of para 8 are submissions to this Hon'ble authority and nothing material has been concealed and no part of it is false. So help me God.

Verified at…………………….on this…………………….day of…………………….20…………………….

Bombay

Date ……………………. Deponent

Oath of allegiance in terms of Citizenship Act

I, A…………………….do solemnly affirm that I will bear the faith and allegiance to the Constitution as by law established and I will faithfully observe the law of India and fulfil my duties as a citizen of India.

**AFFIDAVIT WITH THE APPLICATION FOR AMENDING THE WEALTH TAX RETURN UNDER WEALTH TAX ACT, 1957.**

Before the Wealth Tax Officer, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
I, the above named deponent, solemnly affirm and state on oath as under:   
  
Affidavit of Mr./Ms.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o/D/o, of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_

aged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
1. That I am well conversant with the facts deposed to below.   
  
2. That I am the Assessee in the aforesaid case and as such fully conversant with the facts deposed to below.   
  
3. That I have filed the return of wealth tax for the assessment year \_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
4. That in the said return, the particulars of securities held by me have been wrongly given. And the mistake is inadvertent.   
  
5. That the particulars of securities held by me have been given in the list attached herewith.   
  
6. That the mistake came to notice when my Consultant saw the papers in connection with the production of evidence before the Wealth Tax Officer, \_\_\_\_\_\_\_\_.   
  
7. That in view of the above, it is requested that the return of wealth tax may be amended and particulars of securities held by me given in the said return may be substituted with the list attached herewith.   
  
DEPONENT   
  
Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_ day of \_\_\_\_,   
  
 **VERIFICATION**I,....................................................the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at \_\_\_\_\_this \_\_\_\_\_\_day of \_\_\_\_\_\_   
  
DEPONENT

**AFFIDAVIT WITH THE APPLICATION FOR APPOINTMENT OF A GUARDIAN AD LITEM OF A MINOR DEFENDANT**

In the Court of Civil Judge . ...............

Suit No ……………………… of ……………………….

A...................... Plaintiff

v

B ................... . Defendant

Affidavit of A, son of …………………………..…… aged about………………………years

resident of …………………………………………..................

I, A, son of……………………aged about………………..years, solemnly affirm and state as

under:

1. That I am the plaintiff in the abovementioned suit and as such fully acquainted with the facts

deposed to below.

1. That the defendant Shri…………..…………………s/o late Shri ……………………..

aged about ...............is a minor and his father and mother have died and no guardian has

been appointed or declared by any court or any authority.

3. That the defendant lives in the care of his elder brother Shri ……………….and is a fit

person to be appointed as the guardian of the said Shri ........................

4 That the said Shri……………………… has no interest in the controversy adverse to that

of the defendant Shri…………………………….in this suit.

Deponent

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 4 of this affidavit are true to my personal knowledge and nothing has been concealed and no part of it is false. So help me God.

Verified at……………………………this………………..day of ……

**AFFIDAVIT WITH THE APPLICATION FOR ARREST OF DEFENDANT BEFORE JUDGMENT**

In the Court of Sub-Judge . ..............

Suit No …………………….of 20 ………….

X ...................... Plaintiff

v

Y .................... Defendant

Affidavit of X, aged ……………………….son of A, resident of………………………………..…………

I, X son of………………………………………aged ………………….years, solemnly affirm and state as under:

1 . That I am the plaintiff in the above mentioned suit and as such well acquainted with the

facts deposed to below.

2. That the defendant borrowed a sum of Rs …………from the plaintiff on executing a promissory note. As he has not paid any amount inspite of demand being made by me, the present suit has been filed for recovery of the said amount and interest thereon.

3. That the defendant was served with summons in the present suit on --------------

4. That on the night of…………………………………the defendant sent his family with household effects, jewellery to an unknown place.

5. That I have been informed by……………………………..a clerk in M/s……………………………………..in whose office the defendant is employed, which I believe to be true, that the defendant has given notice to his employer to resign from service at the end of .......................

6. That if the defendant leaves the jurisdiction of this court, the plaintiff will not be able to recover any money from him.

7. That if the defendant leaves the jurisdiction of this Court, the plaintiff will be put to

irreparable loss .

I, X, the above named deponent, do hereby verify that the contents of paragraphs 1 to 7 of this affidavit are true to my personal knowledge and nothing has been concealed and no part of it is false. So help me God.

Verified at………………………. this………………….day of……………

**AFFIDAVIT WITH THE APPLICATION FOR CHANGE OF NAME IN THE CERTIFICATE**

Before the Registrar ………………..University . ………………..

Affidavit of Km . …………………………………..

now Smt ………………………………..…………..

aged about ………………..years,

wife of Shri………………………………… ........

resident of……………………………………………………………....................................

I, the above named deponent, solemnly affirm and state as under:

1. 1.       That I am the applicant in the application submitted for the change of name and as such I am fully conversant with the facts deposed to below.
2. 2.       That I passed my ………………..Examination with Roll No ………………..from ....................University in the year 1986 with my name Km . ………………..

3. That I am the daughter of Shri ………………..At the time of my admission to the school, my name was Km . ……………….. which continued till my marriage with Shri .............in ………………..

4. That after my marriage with Shri ………………..due to change in surname of my husband, my name has changed from Km …………………………………. to Smt .

5. That I have been appointed as ………………..in ............and the appointing authority has asked me to submit the certificate issued by the University with the changed name.

6. That I who is now called as Smt ………………..is the same person as Km . ………………..before my marriage with Shri

7. That as required by the I it is necessary to issue certificate in the changed name.

I the above named deponent, do hereby declare and verify that the contents of paragraphs 1 to 7 of this Affidavit are true to my knowledge, nothing material has been concealed and no part of it is false. So help me God.

Verified at…………………….this…………………….day of…………………….20…………………….

Date……………………. Deponent

**AFFIDAVIT WITH THE APPLICATION FOR ISSUE OF COMMISSION FOR THE EVIDENCE OF A PARDANASHIN LADY**

In the Court of Civil Judge ..................

Suit No…………….of 20…………………

A ........................ Plaintiff

v

B ........................ Defendant

Affidavit of A aged…………… son of…………………..resident of ……………….

I, the above named deponent, do hereby solemnly affirm and state as under:

1 . That I am the plaintiff in the above noted suit and as such fully acquainted with the facts

deposed to below.

2. That one Smt. X, widow of Shri Y, is a pardanashin lady and she lives in seclusion according to the practice of the community, to which she belongs and she has never appeared as a witness in any case before any court.

3. That Smt. X is unable to attend the court, but her evidence is material for the suit.

4. That it is necessary and in the interest of justice that the statement of Smt. X be recorded

on commission.

5. That it is in the interest of the proper judgment in the matter, that the commission be issued to record the statement of Smt. X, failing which the plaintiff will be put to irreparable loss.

1, the above named deponent, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and nothing has been concealed and no part of it is false. So help me God.

Verified at……………………..this………………….day of ………………..20 ………..

Date:………………

Deponent:……………………

AFFIDAVIT WITH THE APPLICATION FOR SERVICE OF SUMMONS BY SUBSTITUTED SERVICE

In the Court of Munsif Haveli . ................

Suit No ……………………..of …………………..

A ....................... Plaintiff

v

B ...................... Defendant

Affidavit of A, son of……………………….aged about ………………….years resident of

………………….

I, A son of………………………..…………..aged about…………………………years, resident of .............................................................................................take oath and state as under:

1 . That I am the plaintiff in the abovementioned suit and as such am fully acquainted with the facts deposed to below.

2. That the summons in this suit have been issued to defendant B at his residence at and were returned unserved with the report that the defendant had gone to his native place ......................

3 That when the summons were taken out again on ……………… was returned with the report of the Court's summons server that the defendant is not available and the summons were affixed on the door of his house.

4. That the defendant Shri…………………..is intentionally avoiding service of the

summons to harass the plaintiff.

5. That in the interests of justice, it is necessary that the summons be served by registered post, and if the court deems necessary that the service of the summons be also effected through the newspapers, the plaintiff is ready to defray the expenses for the service of summons by post and/or by advertisement in the newspaper.

I, A, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my knowledge and nothing material has been concealed and no part of it is false. So help me God.

Verified at……………………….on this……………………..day of …………………

**Affidavit With The Application For The Issue Of Duplicate Export Licence**

Before the Deputy Chief Controller of Exports, Department of Supply, Ministry of Food, ………………………  
In the matter of issue of duplicate licence to M/s. ………………………………..………………………. Affidavit of Mr…… …………………… …….years, son of S/o …………………………………….. resi ………………………………………….. do hereby solemnly affirm and state as follows:

1 .That I am the proprietor of M/s. ……………………………………….. doing the business of export and import of various items at ………………………..

2. That M/s……………………. …………………… was issued license bearing No……………………. dated …………………….. for the export of …………………….. tons of ……………………………….

3. That the said licence has been lost, for which 1 lodged F.I.R. with Police Station, ……. ……………..vide F.I.R. No. ………………………… dated ………….……………, a copy whereof is attached.

4. That the said licence has been lost without it being fully utilised and the ………………. so far exported on the said licence is to the extent of …………………….……. tons.

5. In the view of the above, it is requested that the duplicate copy of the said  
licence may be issued. If the original licence be found any time, the same shall be returned to the issuing authority for cancellation, with being utilised.

I, A, the abovenamed deponent do hereby declare and verify that the contents of paras 1 to 4 foregoing are true to my knowledge and contents of paragraph 5 are submission to this Hon’ble Dy. Chief controller of exports, nothing material has been concealed and no part of it is false.

Verified at ………………….. on this …….. day of …………….. .  
Deponent  
Date …………….

**AFFIDAVIT WITH THE APPLICATION FOR THE ISSUE OF DUPLICATE EXPORT LICENCE**

Before the Deputy Chief Controller of Exports, Department of Supply, Ministry of Food,

...........................

In the matter of issue of duplicate licence to M/s . ................................

Affidavit of A, aged about…………………….years, son of Shri…………………….resident of…………………….

do hereby solemnly affirm and state as follows:

1 . That I am the proprietor of M/s …………………….doing the business of export and import of various

items at

2. That M/s ……………………………………………………………….was issued licence bearing No

…………………….dated....................... for the export of …………………….tons of…………………….

3.That the said licence has been lost, for which I lodged F.I.R. with Police Station, ………… , ………....

vide F. I. R. No …………………….dated …………………….a copy whereof is attached.

4. That the said licence has been lost without it being fully utilised and the ............... so far exported

on the said licence is to the extent of…………………….tons.

5 In view of the above, it is requested that the duplicate copy of the said licence may be issued. If the original licence be found any time, the same shall be returned to the issuing authority for cancellation, without being utilised.

I, A, the above named deponent do hereby declare and verify that the contents of paras 1 to 4 a foregoing are true to my knowledge and contents of paragraph 5 are submissions to this Honourable Dy. Chief Controller of Exports, nothing material has been concealed and no part of it is false.

Verified at..........on this…………………….day of…………………….20 …………………….

Date ……………………. Deponent

**Affidavit With The Application For The Registration Of The Will After The Death Of The Testator**

Before the Sub-Registrar …………………….

In the matter of registration of the WILL executed by

Mr …………………………………………………………………..…………

S/O ……………………………………………………………………………

Resi…………………………………………………………….……………..

Affidavit of Mr…………………………………………………..……..,

age ……… years,

S/O ……………………………………………………………………………

resi …………………………………………………………..…………….. and

aged about ……………………….…. years,

S/O ………………………………………………………………………….

resi …………………………………………………..…………………………

We, the abovenamed deponents do hereby solemnly affirm and state as under:

1. That we, the deponents, are the witnesses to the execution of the will executed by Shri ………………………. on ………………… and as such fully acquainted with the facts deposed to below.

2. That the aforesaid testator Shri ………………………..……….. executed his last will on ……………………….., in our presence.

3. That the testator was healthy and of sound mind at the time of execution of the will.

4. That the testator executed his will on …………………………………….. of his own free will.

5. That the testator signed the will after reading and understanding its contents in our presence. We, the above deponents do hereby declare and verify that the contents of

paras 1 to 5 are true to our knowledge and nothing material has been concealed, no part of it is false.

Verified at …………………….. on this ………………. day of ……………….,

Deponents

Date …………………..

**AFFIDAVIT WITH THE APPLICATION FOR THE REGISTRATION OF THE WILL, AFTER THE DEATH OF THE TESTATOR**

Before the Sub-Registrar of Assurances .

In the matter of registration of the will executed by Shri………………………………………….son of ...........................resident of ……………………………………………….

Affidavit of Z aged about…………………….years,

son of Shri…………..……………………………………..

resident of……………………………………………………………………………………….……………….

I, A, the above named deponent do hereby solemnly affirm and state as under:

1 That I am the executor under the will and as such fully acquainted with the facts deposed to below.

2.That Shri …………………….the testator executed a will on …………………….regarding his property and I am the executor of the said will.

3.That at the time of execution of the will, Shri …………………….was healthy and of sound mind.

4. That suddenly on or about…………………….the testator met with a car accident and he died in……………………. hospital on…………………….

5.That the testator executed the will and attested in the presence of S/Shri A and B, who have

affirmed an affidavit, which is annexed to this affidavit as Annexure A.

6That due to sudden death of the testator, the said will could not be registered during the

lifetime of Shri ..................................

7. That the aforesaid will is the last will of the testator.

I ,Z ,the above named deponent do hereby declare and verify that the contents of paras 1 to 7 are true to my knowledge, nothing material has been concealed and no part of it is false. So help me God.

Verified at…………………….on this…………………….day of…………………….20…………………….

Date……………………. Deponent

**AFFIDAVIT WITH THE APPLICATION OBJECTING TO THE NOTICE TO VACATE THE PREMISES OCCUPIED BY THE LANDLORD**

Before the Rent Control and Eviction Officer . ................

Case No …………………………..…..of ………………..

In the matter of objection to the notice under section ..................................... .............. Rent Control & Eviction Act relating to allotment of portion of House No...........................

Affidavit of A aged about ………………..years son of Shri ……….………………..resident of ………………..

I. A, aged about ………………..years, son of Shri ……………………. ………………..resident of ……………….. do solemnly affirm and state as under:

1. That I am the objector in the aforesaid matter and as such fully acquainted with the

facts deposed to below.

2. That I am landlord of the house bearing No . ………………..in respect of a portion of which the notice has been served.

3. That I am in occupation of the said house bearing No . ..................................

4. That I inherited the said house on the death of my father late ……………….. on or ……………about

5. That my father let out the portion of the said house to Shri ………………..in the year ………………..

6. That said Shri ………………..vacated the portion let out to him on ..............................and since then the said portion is in my occupation as the same was required by me for the residential purpose of my family members.

7. That when my father let out the portion of the said house to Shri ……………….. my daughters and sons were very small and they have now grown up. As my daughters are young, I do not want to share the house with an outsider.

8. That the portion in my occupation, before Shri …………………..…………..vacated the portion of my house was not sufficient for my family. In fact I requested Shri …………………. ………………..to vacate the portion of the house let out to him for requirements of my family.

9. That one of my son Shri ………………….……………..has been married on ………………..and one room is required for him. The portion vacated by Shri ……………..……………..consists of 3rooms, out of which one is occupied by my married son Shri ……………..…………..and the other two rooms are used for residential purposes by my daughters and another son.

10. That I submitted an application to the Rent Control and Eviction Officer on .................... I intimating that the portion of the house No ………………..vacated by Shri ………………..may not be allotted to anybody, as the same is required for the residential use of my family.

11. That the portion of the house No ………………..has been allotted to Shri ………………..inspite of my submitting an application to the Rent Control and Eviction Officer, .........................in this regard.

12. That the allotment order dated ……………….. issued by the Rent Control and Eviction Officer ……………. in favour of Shri ………………..is illegal and without jurisdiction and the notice served in pursuance of the said allotment order is also illegal and liable to be quashed.

13. That in the interest of justice, it is necessary that the notice dated ................... should be quashed and my occupation to the said accommodation may not be disturbed.

I, A, the above named, do hereby verify that the contents of paragraphs 1 to 10 are true to my knowledge, and the contents of paragraphs 11 to 12 are based upon legal advice which I believe to be true; nothing has been concealed and no part of it is false. So help me God.

Verified at ………………..on this ………………..day of ………………..20 ………………..

Date ……………….. Deponent

Affidavit with the application to regional transport authority for Duplicate licence

Before the Regional Transport Officer, ………………………………….…………….

Affidavit of ………………………………. age ……………… years,

S/O …………………………………………………………………………………………..…………

resi……………………………………………………………………………………………………..

I, …………………………………..……..age ………………………..

S/O………………………………………………………………………………….…………………

resi …………………………………………………………………………………………………:

1. That I am the applicant in application for the issue of duplicate driving licence and as such fully conversant with the facts deposed to below.

2. That I was issued driving licence No………………. ………………… on …………………………. by this authority, to drive scooter with gears.

3. That my driving licence No……………………………………….. has been lost on or about…………... for which I have

lodged FIR with Police Station, ………….. …………. vide FIR No. …………………….. dated …………………

4. That I have not deposited the said licence with any court or anywhere or my licence has not been cancelled. I have not been convicted of any offence by any court.

5. That no charge sheet has been filed against me for any offence under the Motor Vehicles Act or Rules made thereunder or any other law in force.

6. That I am not addicted to wine and I do not suffer from any of the diseases disqualifying me to hold the driving licence.

7. That if the original licence will be found, I shall deposit the same with the Office of Regional Transport Officer.

8. That in view of the above, it is necessary that a duplicate driving licence may be issued to me.

I, A, the abovenamed deponent do hereby declare and verify that the contents of paras 1 to 7 are true to my knowledge and the contents of para 8 are my submissions to this authority and nothing has been concealed and no part of it is false.

Verified at ………………… this …………………… day of ……………….. .

Deponent

Date ………………….

**AFFIDAVIT**

**I,** Shri Arun Ganesh Kulkarni, , age 35 years, occupation - service, resident of 1200 Kasba Peth, , Pune 411011l, do hereby declare and state on solemn affirmation as follows:

1. That I do not own any residential house or house site or plot in my  
name or in the name of any member of my family.

2. That neither I am nor any other member of my family is a member  
of any cooperative housing society.

3. That I am making this affidavit as I have purchased a residential flat  
in the Aum Cooperative Housing Society Limited, at Plot No. 40,  
Rambag Colony, Kothrud, Pune 411 038.

4. That I am also making this affidavit in order to confirm these facts  
to be submitted to the registering authority of the societies.

WHATEVER stated above is true and correct to the best of my knowledge  
and belief, and so I have signed hereunder at Pune this day of 200\_\_

[ Arun Ganesh Kulkarni ]

AFFIANT

Identified by -

Sd/- xXx ADVOCATE

**AFFIDAVIT**

*Affidavit* is a Latin word. Affidavit is a declaration as to the facts, made in writing, sworn before a person having authority to administer an oath. Generally, interlocutory applications such as an application for attachment before judgement, interim injunction, appointment of a court receiver, etc. are supported by and decided on the basis of affidavits.

The word "affidavit" simply means a declaration made on in writing; a written statement, made on oath, to be used as legal proof.

**AFFIDAVIT**

I, Shri A B .C ,

age 35 years, occupation - service,

resident of 1250 Deccan Gymkhana, Pune 411 004, do hereby state on solemn affirmation as follows :

1. That was born at on

2. That I passed my SSC Examination from the Maharashtra State  
Board of Secondary Education, Pune Division, in March

3. That I passed my HSC Examination from the Maharashtra State  
Board of Higher Secondary Education, Pune Division, in March

4. That I was graduated from the University of Pune in the year

In the Faculty of Arts/Commerce/Science.

5. That I joined the Government service in the Public Works Department  
as an Assistant, on ;

6. That I already completed the Diploma in Computer Technology  
conducted by the Maharashtra State Board of Technical Examinations,  
Mumbai, in the year

WHATEVER stated above is true and correct to the best of my knowledge and belief, and so I have signed hereunder at Pune this\_\_\_\_day of 200\_

Sd/- ABC

AFFIANT I know the Affiant.

Sd/-xXx  
ADVOCATE \

**AFFIDAVIT**

*Affidavit* is a Latin word. Affidavit is a declaration as to the facts, made in writing, sworn before a person having authority to administer an oath. Generally, interlocutory applications such as an application for attachment before judgement, interim injunction, appointment of a court receiver, etc. are supported by and decided on the basis of affidavits.

The word "affidavit" simply means a declaration made on in writing; a written statement, made on oath, to be used as legal proof.

**AFFIDAVIT**

I, Shri\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ A B .C ,

age 35 years, occupation - service,

resident of 1250 Deccan Gymkhana, Pune 411 004, do hereby state on solemn affirmation as follows :

1. That was born at \_\_\_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. That I passed my SSC Examination from the Maharashtra State  
Board of Secondary Education, Pune Division, in March

3. That I passed my HSC Examination from the Maharashtra State  
Board of Higher Secondary Education, Pune Division, in March

4. That I was graduated from the University of Pune in the year

In the Faculty of Arts/Commerce/Science.

5. That I joined the Government service in the Public Works Department  
as an Assistant, on ;

6. That I already completed the Diploma in Computer Technology  
conducted by the Maharashtra State Board of Technical Examinations,  
Mumbai, in the year

WHATEVER stated above is true and correct to the best of my knowledge and belief, and so I have signed hereunder at Pune this\_\_\_\_day of 200\_

Sd/- ABC AFFIANT

I know the Affiant.

Sd/-xXx  
ADVOCATE \

**IN THE HIGH COURT OF JUDICATURE OF ……………. AT …………..**

C.M.P. No. …………. of ………… 20…….

In

C.M.A. No. ………… of ………. 20…….

Between :

A.B. … *Petitioner/Appellant*

*And*

C.D. … *Respondent*

**Affidavit**

I, Mr……..…….........................................................,

S/o. ……………………………………………….…………………., an adult Indian inhabitant,

Occupation: ………………………………....................……,

residing at …………………………………..…………………..

District……………………………………………………………..., do hereby solemnly affirm and state as follows :

1. That I am the petitioner herein and the Appellant in the above appeal and as such I am well acquainted with the facts of the case.

2. I filed the appeal aggrieved by the Judgment in O.P. No. …………………………………. on the file of Family Court, ……………………….…………………. I filed the O.P. on the grounds of cruelty and desertion though I established both the grounds better in convincing evidence the Court below erroneously dismissed my O.P. the grounds of appeal may be read as part and parcel of this affidavit.

I further submit that in as much as the respondent is not co-operating at all the matter is to be disposed of at an early date.

It is therefore prayed that this Hon'ble Court may be pleased to fix an early date of hearing of the above Civil Miscellaneous Appeal and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed at ………..…………. on this

the …………. day of ………… and signed

Deponent

Before me

Advocate.............

**MISCELLANEOUS APPEAL Under Section 151 of C.P.C)**

**IN THE HIGH COURT OF JUDICATURE OF …………………**

**AT ………………….**

C.M.P. No. ………….. of 20……

In

C.M.A. No. ………… of 20…….

Between :

A.B. … *Petitioner/Appellant*

*And*

C.D. … *Respondent/Respondents*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioner herein prays in the interests of Justice, that this Hon'ble Court may be pleased to fix an early date of hearing of the above Civil Miscellaneous Appeal and pass such other and further order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Place :

Dated :

Advocate for petitioner

**IN THE HIGH COURT OF THE JUDICATURE OF ……………. AT ……………….**

C.M.P. No……………….. of 20…………

In

C.M.P No ……………... of 20 ………..

## Between :

…………………..

………………….. … *Petitioner/Defendant*

And

…………………..

…………………. … *Respondents*

**Affidavit**

I, Mr……………………… an adult, Indian inhabitant ....………………, residing at …………………., District........., do hereby solemnly affirm and state as follows:

1. I am the defendant in the suit and the petitioner herein and I am well acquainted with the facts of the case.

2. I submit that this Hon’ble Court in C.R.P…………………… was pleased to dispose off the revision with a direction directing me to pay an amount of Rs. ………………… from ……………….. till today within a period of ………………. weeks from the date of the date order. I submit that I was informed that the Court has granted four weeks time to pay the amount and I have made necessary arrangements to get the amount by ……………………….. I submit that I have received the order copy on …………………. and I found that the time granted by this Court is only two weeks for payment of the amount.

3. I submit that I could not pay the amount within the time prescribed by this Court. The non-payment of the amount as directed by this Court is neither willful nor wanton but due to the communication gap. Hence it is prayed that the Hon’ble Court may be pleased to extend the time for a period of one week from today for payment of the amount as directed in C.R.P. No…………………….. dated………………….. and pass such other or further orders as the Hon’ble Court may deem fit and proper in the facts and circumstances of the case.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### 

#### Advocate.............

**MISC. PETITION** *Under section 151 OF C.P.C*

**IN THE HIGH COURT OF THE JUDICATURE OF …………….**

**AT ……………….**

C.M.P. No……………….. of 20…………

In

C.M.P No ……………... of 20 ………..

## Between :

A.B. ...*Petitioner/Defendant*

*And*

C.D. … *Respondents*

For the reasons stated in the affidavit filed alongwith it is prayed that the Hon’ble Court may be pleased to extend the time for a period of one week from and today for payment of the amount as directed in C.R.P.No ………………………………… dated ……………………………………….. and pass such other or further orders as the Hon’ble Court deem fit and proper in the facts and circumstances of the case.

Place :

Date :

Advocate for the petitioner

\*

**IN THE HIGH COURT OF THE JUDICATURE OF …………………**

**AT ……………………**

C.M.P. No……….. of …….. 20………..

in

C.M.A. No………… of 20……..

Between :

……………………..

…………………… …*…Petitioner/Petitioners*

*and*

……………………..

……………………. ….*Respondent/Respondent*

**Affidavit**

I, ……………………………………………………………………..……,

S/o……………………………………….. ………….……………….., Hindu,

aged about………………………………………………………… years,

Occupation : …………………………………….………………. ,

residing at ……………………………………………………..….

Quarters,……………………………………….. ………………, do hereby solemnly affirm and state on oath as follows :

1. I am the appellant herein and as such I am well acquainted with the facts of the case.

2. I submit that I filed O.P.No………………………………... on the file of the Principal Subordinate Judge, ……….,………….. against the respondent/wife and renumbered as O.P.No…………………………… on the file of the Family Court, ……………………..……….. I submit that the Court below erroneously had dismissed my O.P.No…………………………………… seeking divorce and aggrieved by the same I am preferring this appeal.

3. I further submit that even after dismissal of the above O.P. certain well wishers of our family prevailed upon me to have amicable settlement in this matter and when I have been sincerely trying for the same, ultimately I was informed only as on …………………………………. by my well wishers that there is no possibility of amicable settlement.

4. I also submit that my efforts to have some settlement in this matter there was delay of ……….…… days in presenting this appeal. The delay is neither willful nor wanton but for the reasons stated above.

It is therefore prayed that this Hon’ble Court may be pleased to condone the delay of …………... days for presenting the appeal and pass such other suitable orders in the interests of justice.

Deponent

Before me

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

Advocate, ……………

**MEMORANDUM OF CIVIL MISC. PETITION**

(Under Section 5 of the Limitation Act R/W. 151 C.P.C.)

**IN THE HIGH COURT OF JUDICATURE OF ……………… AT…………….**

C.M.P. No……….. of …….. 20………..

in

C.M.A. No………… of 20……..

Between :

…………………

………………… …*…Petitioner/Petitioners*

*And*

……………………..

……………………. ….*Respondent/Respondent*

For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon’ble Court may be pleased to condone the delay of …………… days for presenting the appeal and pass such other order or orders in the interest of justice.

Place :……….

Dated :

Advocate for Petitioners

\*

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIFF………..**

C.M.P. No…………. of …….. 20…….

in

S.A.No. …………… of ……. 20…….

Between :

……………………..

……………………. *…..Petitioners/Appellants*

*and*

…………………….

…………………… .....Respondent/Respondents

**Affidavit**

I, …………………………………………………………..

S/o. ……………………………………………………. Hindu,

aged about……………………………………….. years,

occupation Advocate, R/o………………………………. …………………. do hereby solemnly and sincerely affirm and state as follows :

(1) I am the counsel for the petitioners herein who are the appellants in the main appeal, and as such I am well acquainted with the facts of the case.

(2) I beg to submit that the above said case S.A.No. ………………..………. of ……………………… came up for admission on ……………………………………… and this Hon’ble Court was pleased to issue notice before admission and interim stay for 6 weeks. Subsequently the interim stay has been extended till further orders. On the last occasion when the above said appeal was listed for admission I was cut of station and consequently this Hon’ble Court was pleased to post the appeal for dismissal on …………………….. In this connection I submit that I suddenly I fell ill with temperature and I could not represent the case on………………………….. when the appeal was called on. Consequently this Hon’ble Court was pleased to dismiss the appeal S.A.No…………………………... of ………………………….. for default. I therefore submit that my absence before this Hon’ble Court on……………………………….. when the case was called on is neither willful nor the wanton but for the circumstances mentioned above. I submit that this Hon’ble Court is pleased to restore the S.A.No. …………………………………. of …………………………..…. to file, the petitioner herein will be put to grave and irreparable loss.

I t is therefore prayed that this Hon’ble Court may be pleased to restore S.A.No………………..…… of …….. to file by setting aside the order dated …………………………………….. and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Deponent

Before me

Solemnly and sincerely affirmed at …………..

on this the ………….. of ……. …… and

signed his name in my presence

Advocate, ……………

**MEMORANDUM OF CIVIL MISC. PETITION**

**(Under Section 151 of C.P.C.)**

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT…………….**

C.M.P. No……….. of …….. 20…..

in

S.A. No……….. of …….. 20…..

Between :

……………………..

……………………. *…..Petitioners/Appellants*

*and*

……………………

…………………… .....*Respondent/Respondents*

For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon’ble Court may be pleased to restore S.A.No………………………………... to file by setting aside the order dated…………………….. and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :……..

Dated :…….

Advocate for Petitioner

**IN THE CITY CIVIL COURT AT ………………**

I.A. No. ……….. of ……….. 20……

In

O.S. No. ……. of ……….. 20…….

*Between :*

A.B. .… *Plaintiff/petitioner*

*And*

C.D. … *Defendant/Respondent*

**Affidavit**

I, Mr......................................................................,

S/o. ..............................................…………………, an adult Indian inhabitant,

Occupation: ………………………………..……………..,

residing at …………………………………………..…….....

District …………………………………………..............., do hereby solemnly and state as follows :

I submit that I filed the suit O.S. No…………………….. ....………… of ……………………………….. on the file of this Hon'ble Court to make the Award the Rule of the Court. I further say and submit that the Arbitrator was appointed by the Court in O.P. No. …............................…….. of relating to the disputes and differences arising out of the I.S. Agreement No. …………………………………. dated ……………………..……. between me and the ………………............ Respondent herein. The Arbitrator has passed the Award dated ……………………….………… and the Award copy was filed in this Hon'ble Court through a Memo in O.P. No. ……………………….…… of ............................................ and this Hon'ble Court received the same vide S.R. No. ……………………………….…….. dated ……………………………….

I submit that the above Award has to be made the Rule of the Court and also pass a decree in terms of the Award to enable me to realise the amount from the ………………………..….. respondent herein. I submit that this matter is coming up before this Hon'ble Court on ………………………..… onwards and the connected O.P. No. ………….……….. of ……………………….…………. has not been clubbed to this suit due to which the matter is being delayed.

It is therefore prayed that this Hon'ble Court may be pleased to summon the original Award filed in O.P. No. ………….. of …………. and pass a decree in favour of the petitioner to enable him to receive the award amount from the Respondent No. ………………………..…… herein ; and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate................

**IN THE CITY CIVIL COURT AT ……………..**

I.A. No. ………… of …….. 20……

In

O.S. No. …….. of …….. 20……

*Between:*

A.B. …. *Petitioner/(Plaintiff)*

*And*

C.D. … *Respondents/(Defendants)*

**PETITION FILED UNDER SECTION 151 C.P.C.**

For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to summon the original award in O.P. No. ………………………….............. of ………………………… and pass a decree in favour of the petitioner to enable him to receive the award amount from the 1st Respondent herein and grant such other or further reliefs as this Hon'ble Court may deem fit and proper.

Place :

Dated :

Advocate for petitioner

**\***

Precedent No. 28

AFFIDAVIT: REGARDING

PRODUCTION OF COPY OF

JUDGMENT - PRAYER FOR

TIME

BEFORE THE HON'BLE DISTRICT COURT, AT

A.S. No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, …………………………………,

S/o ……………. …………………..

aged ………………………………….years,

presently and permanently residing in …………, do hereby solemnly affirm and declare as follows:—

1. I am the petitioner herein and appellant in the above appeal referred to above. I am well conversant with the facts and circumstances of the  
present case and stand competent to swear to this affidavit.

2 The above appeal is filed against the decree in O.S.

No. of of the Senior Civil Judge,

The judgment is dated

1. It is submitted that an application seeking procurement of a printed copy of the aforesaid judgment was made, but the same has not been made available till date. However, the certified typewritten copy of the judgment is produced alongwith the appeal.
2. As is apparent, the printed copy of the said judgment could not be produced owing to the abovementioned reason and there is absolutely no default or laches on my part as the petitioner. Since urgent orders are necessary in the present appeal, it is essential that the appeal be moved at an early date. Further, I undertake to produce the same as when the same is obtained. It may be mentioned at the same time that the printed copy will be ready within a period of two months.

In view of the aforementioned circumstances, it is in the interest of the justice  
that two months' time for production of the printed copy of judgment in O.S.  
No may be granted by this Hon'ble Court.

Sd./ Deponent.

Verification

Verified at ………………………. \_\_\_\_on this the day of 20 , that the contents of the above affidavit are true and correct to the best

of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally  
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer be deleted and only facts be stated to the possible extent.

**Affidavit**

We (1) Shri………………………….…………………………

S/o………………………………………………..………………of………………

P.S …………………………………………………………….………………….

Distt. …………………………………………………..…………………….

Aged about………… Years,

by Religion ………….- …………………., by Profession- ………………….…………….., a citizen of India,

And

(2) Smt. …………………………………………………….………….,

D/o ……………………………………………………….…………….. of ………………..,

P.S ………………………………………………………………………

.Distt. …………………………………………………….………..

Aged about ………………………………………………………….Years,

by Religion- …………………………………………………………,

by Profession-…………………………………………….…….,a  citizen of India,  do hereby solemnly affirm on Oath and jointly declare as under :-

(1) Neither of us had a spouse living at the time of Marriage.

(2) Neither of us is an idiot or a lunatic at the time of Marriage.

(3) Both of us had completed the age of Eighteen Years:-

………………………..… … … … … … ,the  husband had completed the aged of

Twentyone … …………………………… … … … ,  the wife had completed the age of Eighteen years at the time of marriage and the consent of the guardians of the wife, viz.…………………………………………………………………………………………………

… … … … … … … … … … … … … … … … … … … … … … hereunder the name and parentage and relationship of the guardians had been obtained for the marriage.

(4) We are not within the degrees of prohibited relationship according to the custom of usage having the force of law governing each of us/Marriage between us is permitted though we are within the degrees of prohibited relationship.

(5) We are not sapindas of each other.

(6) Marital status at the time of marriage of the parties:-

     Husband ............................

     Wife ...............................

We also declare that the above particulars are true to the best of our knowledge and belief.

Station.............                       Signature ...............

                                           (Husband)

                                           Signature ...............

Dated...............                       (Wife)

**IN THE HIGH COURT OF JUDICATURE OF ……………AT ………………**

C.M.P No…………….. of 20…….

In

C.M.A.No……………. of 20 …….

Between :

A.B.  *- Petitioners/Appellants*

### And

C.D. … *Respondent*

**Affidvit of the first petitioner abovenamed**

I, Mr……………………………………………………………..…………,

S/o……………………………………………………..…….…………….., an adult Indian inhabitant,

Occupation : ……………………………………………..…………..,

residing at ……………………………………………………………… solemnly affirm and state on oath as follows :

1. That I am the ……………………………………… petitioner herein and the …………………….…………. petitioner is my wife and the …………………………………..…….. petitioner is my son and as such I am well acquainted with the facts of the case. I am swearing this affidavit on my behalf and on behalf of the other petitioners who have authorised me to file the same.

2. I crave the leave of this Hon’ble Court to read the contents of the Memorandum of Grounds of Appeal as part and parcel of this affidavit also for better appreciation of the facts and circumstances of the case.

3. I submit that I am the karta and the manager of our joint family. I further submit that we received suit summons and we engaged one Sri…………………………………….., Advocate, Nuzvid as our counsel in the year ……………………….………. and from that time onwards when ever I informed I have been attending his office and the Court without fail.

4. I further submit that I came to know through a letter that the suit was decreed with costs in my absence. At that time I was in bed rest as advised by the Doctor Sri. ……………………..………….. during the period from ……………………...………… to …………………………………. due to enteric fever and bleeding plies after receipt of the said letter, I came to due to enteric fever and bleeding piles after receipt of the said letter, I came to know that because of no instructions the suit was decreed exparte. In the said circumstances I filed an application to set aside the exparte decree and the decree was set aside on my depositing the suit costs and accordingly I deposited the suit costs but however the Court below dismissed my application on the ground that the suit costs were deposited on a later date. The court below did not appreciate the docket entries and also the acceptance of challan for deposit of costs. The Court below had not properly appreciated the facts and circumstances of the case and had erroneously dismissed my application. Taking advantage of the dismissal of my application, the respondent is trying to execute the decree in O.S.No……………………………………….. of …………………..………….. on the file of the Court of the Subordinate Judge, ……………………………………………..…….. and if the respondent is successful in doing so, I will be put to irreparable loss, grave suffering, great hardship, heavy injury, and serious loss.

Under these circumstances, it is just and necessary in the interests of justice, that this Hon’ble Court may be pleased :

“To stay all further proceedings in O.S.No…………………………………… of ……………………….. on the file of the Court of the Subordinate Judge, ………………..……………… including the execution of the decree in O.S.No……………….. of ………………. On the file of the Court of the Subordinate Judge, …………………………… pending the disposal of the above Civil Miscellaneous Appeal.” and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case, or otherwise, we will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss. As we have already suffered a lot regarding the illegal acts of the respondent and if the action of the respondent is permitted, we will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss, since the same is not sustainable in the eye of law.

Deponent

Before me

Solemnly affirmed at .....................

on this …………….. day of.............. 20......

#### Advocate..................

**MISC. PETITION *Under Order 41, Rule 5 r/w.***

***Section 151 of C.P.C***

**IN THE HIGH COURT OF JUDICATURE OF ………………**

**AT ……………**

C.M.P.No……….. of ………20….

In

C.M.A.No………… of………… 20….

Between :

A.B. *… Petitioners/Appellants*

### *and*

C.D. … *Respondent*

For the reasons and in the circumstances stated in the accompanying affidavit, the petitioners herein pray in the interests of Justice, that this Hon’ble Court may be pleased to stay all further proceedings in O.S.No…………………………………. of ………………………..………. On the file of the Court of the Subordinate Judge, …………………………………..…….., including the Execution of the Decree in O.S.No………………..…… of …………………. On the file of the Court of the Subordinate Judge, ………………………..…………. Pending the disposal of the above C.M.A. and pass such other and further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Place :

Dated :

Advocate for petitioners

**AggrementBetween A Firm And A Broker For Agency**

THIS AGREEMENT made on the…………………..day of……………..BETWEEN ………..,

etc., a firm carrying on the business of ……………………………………………..at……………………………………………

(hereinafter called the firm) of the one part and ……………….., etc. (hereinafter called the broker ) of the other part.

WHEREAS the firm wants to sell the property described in the Scheudle hereto and for the said purpose the services of the broker are required.

AND WHEREAS the said broker has shown his willingness to accept the agency for the sale of the said property described in the Schedule hereto.

AND WHEREAS the firm has accepted to pay to the broker the present rat of commission of … per cent. Of the sale price.

NOW THEREFORE THIS AGREEMENT WITNESSES as follows :

1. The firm hereby gives the broker for a period of ………… months thereof the right to sell the property described in the Schedule hereto at the price and on the terms and conditions hereinafter contained in this agreement.

2. 2. The broker is hereby authorised to sell the property on he price of Rs. …………….……..and out of this consideration the purchaser shall pay Rs………….………..in advance as earnest money and the balance of Rs………….……………..shall be paid within a month hereof before the Registrar at the time of registration of the sale-deed.

3. The broker shall be authorised to sell the property at the price of Rs…………..and on other terms and conditions that may be acceptable to the firm.

4. The firm hereby represents and warrants that the details of the property as described in the Schedule hereto are true and correct and the said property is free from all encumbrances.

5. The firm hereby undertakes to deliver to the purchaser, within a reasonable time, as abstract of title showing that the firm is the owner of the property and the said property is free from all encumbrances.

6. The firm hereby agrees that the sale-deed to be executed by the firm shall be a full covenant warranty deed free from all encumbrances.

IN WITNESS WHEREOF, etc.

SCHEDULE OF PROPERTY

COMPLAINT AGAINST CHEQUE DISHONOUR

|  |  |
| --- | --- |
|  |  |

 IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT\_\_\_\_\_\_\_\_\_\_\_\_\_

Cr. Complaint No.\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

……………Complainant.

             Versus

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 …………Accused/Respdt.

 Complaint Under section 138 and 142 of the Negotiable Instrument Act, 1881.

 Respectfully Showeth:-

That the accused  issued one  cheque bearing No. \_\_\_\_\_\_\_\_\_\_\_\_\_ dated\_\_\_\_\_\_\_\_ for a sum of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_drawn on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for a   lawful valuable consideration  in discharge of his  liability in favour of the complainant.

2.  That the complainant presented the said cheque lastly on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which was

returned unpaid by drawee Bank vide returning Memo dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  for the

reasons `Insufficient Funds`.  The said cheque was presented within its validity period and

stood dishonoured on presentation.

3.  That the complainant got a notice issued through his counsel dated \_\_\_\_\_\_ \_\_\_\_\_under registered AD cover and UPC   to the accused demanding the amount of the dishonoured cheques within 15 days of the receipt thereof which was duly served upon him on(Da te) \_\_\_\_\_\_\_\_\_\_\_\_. It is submitted that the Registered cover containing the notice was received back as unclaimed as the accused has deliberately avoided the  service of  the notice, however the notice sent through UPC stood served upon the accused on (Date)\_\_\_\_\_\_\_\_\_\_, the copy of notice with postal receipt/ UPC  and envelop containing notice is filed with the complaint.

4.      That the accused person has not cared to make the payment of the amount

of dishonoured cheques to the complainant within 15 days as required under the law as

demanded in the notice.

5.        That the cause of action for filing the complaint arose to the complainant with in the

jurisdiction of this learned court when the accused failed to make the payment of

the cheques in dispute to the complainant with in 15 days of the receipt of notice.

6.        That the accused is guilty of an offence under section 138 of the Negotiable Instrument Act,

1881 and is liable to be punished under section 142 of the said Act.

It is, therefore, prayed that the accused person be proceeded against and punished in

accordance with law as envisaged under section 142 of the Negotiable Instrument Act in

accordance with law.

                   Complainant

                 Through

                     Advocates

Place: \_\_\_\_\_\_\_\_\_\_

Dated:  \_\_\_\_\_\_\_\_\_

 List of  Documents attached:-

 1.        Original dishonouredcheque No. \_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_ for Rs.\_\_\_\_\_\_\_   drawn on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2.    Original returning Memos of the drawee Bank dated \_\_\_\_\_\_\_\_

3.          copy of Notice dated \_\_\_\_\_\_\_\_\_.

4.          Postal   and UPC receipt dated \_\_\_\_\_\_\_\_\_ and envelop containing notice.

 List Witnesses:-

Complainant.

Concerned officers of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the records pertaining to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the accused regarding dishonoured cheque No.\_\_\_\_\_\_\_\_\_  for Rs. \_\_\_\_\_\_\_.

 AFFIDAVIT

 I (Name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ s/o Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  aged \_\_\_\_\_\_\_ years, r/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare on oath that the contents of the accompanied application from para 1 to 6 are true and correct to my personal knowledge and belief and that nothing false is stated therein and also nothing material is concealed there from.

 I further declare and verify on oath that the contents of this affidavit are true and correct and nothing material is concealed there from. Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_.

DEPONENT.

**DEED OF GIFT FOR THE PURPOSE OF ESTABLSHING A HOSPITAL**

|  |  |
| --- | --- |
|  |  |

 THIS DEED is made on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_

BETWEEN

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

s/o Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

r/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as "the donor") of the one part

AND

Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

s/o Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

r/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as "the donee") of the other part.

**WHEREAS**

1. The donor is the owner and is absolutely seized and possessed of the plot of land situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (more particularly describe in Schedule I annexed hereto).

2. The donee is desirous of establishing a hospital for rendering of better medical aid and to serve the poor people and for the said purpose requested the donor to make a grant of the said plot of land for establishment of a hospital at the said plot of land.

3. The donor has agreed to grant a gift of the said plot of land to the donee for establishment of a hospital thereon.

**NOW THIS DEED WITNESSES AS FOLLOWS:**

1. In consideration of the said agreement, the donor hereby convey, assigns and transfers to the donee ALL that plot of land described in the schedule annexed hereto TO HOLD the same to the donee and its successors and assigns for the purpose of establishing a hospital for rendering of better medical aid and to serve the poor people.

2. The donee hereby accepts the said gift and agrees with the donor that the said plot of shall be used for the sole purpose of establishing a hospital and if the donee fails to establish a hospital on the said plot of land within a reasonable time period, which shall not in any case exceeds a period of five years from the date of these presents, the said plot of land shall revert to the donor and his heirs, executors and assigns.

**IN WITNESS WHEREOF**, the donor and the donee hereunto have signed this deed this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ .

*(The schedule I herein referred to)*

**WITNESS:**

|  |  |  |
| --- | --- | --- |
| **1.** | | **THE DONOR** |
| **2.** | | **THE DONEE** |
|  |  | |

**DEED OF GIFT FOR THE PURPOSE**

**OF RUNNING AN ORPHANAGE**

|  |  |
| --- | --- |
|  |  |

THIS DEED OF GIFT is made on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_

BETWEEN

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

s/o Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

r/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as "the donor")

AND

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a charitable organization registered as a society under the Society Registration Act, 1860 (hereinafter referred to as "the donee")

**WHEREAS**

1. The donor is the owner and is absolutely seized and possessed of the building situated at……………………………….*.*

2. The donee is charitable organization engaged in running an orphanage in a building which is adjacent to the said building belonging to the donor.

3. The donee is in need of extra space to accommodate more orphan children and has requested the donor to grant to the donee one-half portion of the said building (as described in Schedule II annexed hereto).

4. The donor has agreed to grant the one-half portion of the said building for utilising the same for the sole purpose of running the orphanage.

NOW THIS DEED WITNESSES AS FOLLOWS:

1. In pursuance of said agreement the donor hereby transfers to the donee ALL that one-half portion of the said building (as described in Schedule II annexed hereto) To Hold the same to the donee and its successors and assigns so long as the donee shall use the said building for the sole purpose of running the orphanage.

2. The donee hereby accepts the said gift and agrees with the donor that the said building shall be used for the sole purpose of running the orphanage and if, at any time hereafter, the donee ceases to use the said building for purposes other than of running the orphanage the same shall revert to the donor and his heirs, executors and assigns.

IN WITNESS WHEREOF, the donor and the donee hereunto have signed this deed this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*)*

WITNESS:

|  |  |
| --- | --- |
| 1……………………………………… | THE DONOR |
| **2……………………………………..** | ON BEHALF ………………..  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Format of Affidavit With The Application For The Issue Of Duplicate Export Licence

*.*

Before the Deputy Chief Controller of Exports, Department of Supply, Ministry of Food, ………………………  
In the matter of issue of duplicate licence to M/s. ………………………. Affidavit of A, aged about …………………… years, son of Shri …….. resident of ……………….. do hereby solemnly affirm and state as follows:  
1 .That I am the proprietor of M/s. ………………….. doing the business of export and import of various items at ………………………..  
2. That M/s. …………………… was issued license bearing No. ………. dated …………………….. for the export of …………………….. tons of ……………………………….  
3. That the said licence has been lost, for which 1 lodged F.I.R. with Police Station, ……. …………….. vide F.I.R. No. ……………… dated ………………, a copy whereof is attached.  
4. That the said licence has been lost without it being fully utilised and the ………………. so far exported on the said licence is to the extent of ……………. tons.  
5. In the view of the above, it is requested that the duplicate copy of the said  
licence may be issued. If the original licence be found any time, the same shall be returned to the issuing authority for cancellation, with being utilised.  
I, A, the abovenamed deponent do hereby declare and verify that the contents of paras 1 to 4 foregoing are true to my knowledge and contents of paragraph 5 are submission to this Hon’ble Dy. Chief controller of exports, nothing material has been concealed and no part of it is false.  
Verified at ………………….. on this …….. day of …………….. 201\*.  
Deponent  
Date …………….

**GENERAL POWER OF ATTORNEY BY A COMPANY**

|  |  |
| --- | --- |
|  |  |

**TO ALL TO WHOM THESE PRESENTS SHALL COME**, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Company incorporated under the Companies Act, 1956 and having its registered office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as the "Company") SENDS GREETINGS:

**AND WHEREAS**the Company is desirous of appointing Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called the "Attorney") one of the Directors of the Company as the true and lawful Attorney with full power and authority to do and execute all acts, deeds and things as hereinafter mentioned in the name of and on behalf of the Company and subject to the provisions of the Companies Act, 1956:

1. The Company is carrying on the business of manufacture of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ more particularly detailed in the main objects clause of the Memorandum of the company.

2. In order to facilitate the business to be carried on smoothly, the Company hereby appoints Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as its constituted attorney with full power and authority to do and execute all acts, deeds and things as hereinafter mentioned in the name of and on behalf of the Company and subject to the provisions of the Companies Act, 1956.

**NOW KNOW YOU ALL AND THESE PRESENTS WITNESS** that the Company does hereby appoint, constitute and nominate Sh. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as true and lawful attorney or agent of the Company with full powers and authority to do and execute all acts, deeds and things as hereinafter mentioned on behalf of and for the Company viz.,

1. To manage the affairs of the Company efficiently and faithfully and in a manner conducive to the interest of the Company.

2. To maintain proper control on and discipline in the staff employed and to initiate disciplinary proceedings against any member of the staff employed in the Company for any act of indiscipline or misconduct or any other offence prescribed by the service rules made by the Company.

3. To pay the monthly salaries and other emoluments of the employees as sanctioned by the Company and to obtain receipt for the same.

4. To open one or more accounts of the Company, in the name of the Company with one or more Banks as may be approved by and to such an extent and with such limits and restrictions as may be stipulated by the Directors from time to time by a resolution of the Board or Committee of the Board of Directors of the Company and to operate the same for and on behalf of the Company by drawing, accepting, endorsing, negotiating, releasing, paying or satisfying any promissory notes, bills of exchange, cheques, drafts, hundies or orders for payment of moneys and delivery of securities, goods, or effects or other negotiable instruments and mercantile documents which may be deemed necessary or proper in respect of the business of the Company or its offices.

5. To sign any deed or document or other paper required to be executed by or in favour of the Company including a Deed of Conveyance or a Deed of Mortgage, hypothecation or pledge or a lease or a leave or licence agreement or any other document required to be executed by the Company.

6. To lodge for registration any document executed by or in favour of the Company and to admit execution thereof and do all acts and things required to be done for registration of such deed.

7. To accept any moneys on fixed deposit according to the schemes made by the Company for accepting fixed deposits and to issue and sign fixed deposits receipts in the form prescribed by the Company.

8. To appoint agents or dealers for sale of the products of the Company on terms and conditions prescribed by the Company and to sign necessary letters or agreements for such appointments.

9. To take on monthly tenancy basis or leave or license basis go-downs, storerooms or other suitable premises for storing the products of the Company and to pay the rent thereof.

11. To advertise the products of the Company by publishing in the newspapers or sponsoring events or by holding seminars and by doing other acts and things beneficial to promote the sale of the Company’s products.

12. To demand, receive, recover, accept, exercise or utilize any claim, things, rights or any object to which the Company is entitled and to make and give receipts for the moneys and other property received for and on behalf of the Company.

13. To carry on correspondence with the customers of the Company including prospective customers, agents, brokers, dealers and other trade agents in connection with the business of the Company and to represent the Company at any programs or meetings in connection with or with a view to promote the business of the Company.

14. To commence and prosecute any suit or other legal action or proceedings in relation the business of the Company and for recovery of any moneys, good or other properties of the Company or establishing a right related to the business of the Company and to defend any suit or legal proceedings against the Company by any person or other company, and for that purpose to sign, affirm, or declare plaints, statements of defence, petitions, affidavits and other papers as may be require to be done and to appoint any advocate or solicitor for that purpose.

15. To insure the stocks of the Company wherever stocked and to pay the premium in respect thereof from time to time.

16. To appear before any official of the Government in connection with the affairs of the Company or to appoint a suitable agent to do the same on behalf of the Company.

17. To refer to arbitration any dispute in connection with the business of the Company and to attend to such arbitration personally or through advocates and to do all such acts or things as may be required in that behalf.

18. To negotiate with any party for settlement of any dispute or claim and to compromise or compound the same in the best interest of the Company.

19. To receive moneys and other property payable to the Company by way of sale of the products, commissions or any other account from the customers, agents, shopkeepers and other persons whatsoever and to pass valid receipts for the same and to credit the moneys so received in the Bank Account of the Company.

20. To sign, seal, swear, affirm, declare, deliver, execute, enter into, acknowledge, perfect and do all such contracts, conveyances, leases, mortgages, transfers, releases, agreements, re-conveyances, reassignments, releases, agreements, pleadings, affidavits, declarations, petitions, returns, refund orders of income tax, super tax, gift tax, expenditure tax and any other tax assurances, deeds, documents, instruments, acts, matter and things as shall be requisite or as the attorney may deem necessary, proper or expedient for or in relation to all or any of the purposes or matters aforesaid.

21. To concur with any other person or persons interested in doing any of the acts or things as aforesaid.

22. To ask, demand, sue for and recover, receive payments of and give good and valid receipts, releases, discharges and indemnities for all the moneys, securities for moneys, profits, debts, goods, chattels, stocks, shares belonging to the Company whether solely or jointly with any other person or persons.

23. To commence, carry or defend, appear or appeal in all suits, departmental appeals, appeals before the court of law, appellate bodies or tribunals and other legal proceedings and demand touching any matter or thing in which the Company may in any way concerned whether solely or jointly with any other person or persons as aforesaid.

24. To receive the interest and income arising from any securities or other property now or hereafter belonging to the Company whether solely or jointly as aforesaid.

25. To give, vary and revoke instructions as to the manner in which any moneys payable (whether periodically or otherwise) or dealt with and to make and submit returns and afford required information relating to income tax, super tax, excess profits tax, business profit tax, wealth tax, expenditure tax and taxation generally.

26. To accept for and on behalf of the Company, payments due to the Company under any agreements earlier than the dates stipulated for such payments in the concerned agreement on such terms and conditions as deemed fit by the Attorney and to allow discounts, concessions and rebate and by way of interest or profits as may be deemed fit by the Attorney.

27. To sign all plaints, written statements, affidavits, applications, petitions, reference papers, appeals and such other connected documents as may be required in connection with legal proceedings arising out of the Company’s contracts for hire purchase or any other finance business and to accept any such writ or summons and or other legal process as shall be requisite or expedient;

28. To present or oppose any petition for winding up or bankruptcy, to attend and vote as proxy at any meetings of creditors, to make and file proofs of claim; and generally to act in any liquidation, bankruptcy or insolvency proceedings;

29. To sign and issue deposit receipts to the depositors credit and debit notes to the parties with whom the Company has any business dealings;

30. And generally to do all acts and things incidental to the powers hereinabove mentioned and all other acts and things necessary for carrying on the business of the Company to such an extent and with such limits and restrictions as may be stipulated by the directors from time to time by a resolution of the Board or Committee of the Company;

**IN WITNESS WHEREOF**, the Company has pursuant to a resolution of the Board of Directors of the Company passed at its meeting held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_ in that behalf caused its common seal to be duly affixed hereto.

FOR AND ON BEHALF OF THE COMPANY

Witnesses :

1.

2.

**GENERAL POWER OF ATTORNEY GRANTING FURTHER POWERS TO ATTORNEY**

|  |  |
| --- | --- |
|  |  |

**KNOW ALL MEN BY THESE PRESENTS** that

I …………………………………………………………….

S/o…………………………………………….…………..,

Resi………………………………………………………., do hereby appoint and nominate ……………..,

S/o …………………………………………..………….,

Resi ……………………………………………………., to be my true and lawful attorney.

**WHEREAS**I, have by power of attorney dated \_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_ appointed \_\_\_\_\_\_\_\_\_. as my attorney with the powers therein contained AND whereas I am desirous of giving the said \_\_\_\_\_\_……….. further powers and authorities hereinafter contained NOW I hereby give to, and vest in, the said …………………………..… the following further powers and authorities, that is to say, in my name or on my behalf to do the following acts:

1.

2.

3.

Provided always that nothing herein contained shall in any way prejudice or affect the powers or authorities given or conferred by the aforesaid power of attorney and this power of attorney shall take effect and be in force concurrently with and solely by way of extension and enlargement of the aforesaid power of attorney.

AND I hereby agree that all acts, deeds and things lawfully done by the said ….. for me under powers hereby given to him shall be construed as acts, deeds and things done by me and I undertake to ratify and confirm all and whatsoever the said ………………………. shall lawfully do or cause to be done for me by virtue of the powers given by this deed.

**IN WITNESS WHEREOF,** I have signed this deed on this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Signed and delivered by the above named

WITNESS:

1…………………….

2……………………………………

**In the application for issue of duplicate licence**

Before the deputy chief controller of exports, department of supply, ministry of road, new delhi. In the matter of issue of duplicate licence.

Affidavit of A, aged about \_\_\_\_\_\_\_\_\_\_\_\_\_ years, son of B, resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the deponent above-named, do hereby solemnly declare as under: –

1. That licence No. )\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ issued to me for export of metal goods has been lost.

2. That the said licence has not exhausted at all.

3. That the total quantity for which the licence was originally issued was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the quantity so far exported is to the extent of \_\_\_\_\_\_\_\_\_\_\_\_.

4. That the duplicate copy is now required to cover the quantity.

5. That the original licence will be returned to the licencing authority for cancellation, if and when found, without being utilised at all.

DEPONENT

I, the above-named deponent, declare and verify that the contents of paras 1 to 5 are true to my personal knowledge and nothing has been concealed and no part of it is false.

DEPONENT

**N.O.C. FOR TRANSFER OF DECEASED FATHER PROPERTY**

|  |  |
| --- | --- |
|  |  |

Affidavit of (Name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o/D/o Late \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Aged  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_years,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, the above named do hereby solemnly affirm and declare on oath as under:-

1.                  That my father Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ expired on \_\_\_\_\_\_\_\_ leaving behind myself, brother Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and mother Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as his legal heirs.

2.                  That my late father Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been running a shop under the name and style of M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_ under Corporation Licence No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3.                  That I have no objection if the said business is run by my brother Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the existing shop and the licence is transferred in his name.

4.                  That whatever stated above is true and correct to my knowledge. Verified at \_\_\_\_\_\_\_\_\_\_on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent.

**Verification:-**

 I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/o/D/o Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,the above named deponent do hereby solemnly affirm and verify that the contents of paras 1 to 4 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

                        Verified at \_\_\_\_\_\_\_\_\_ on \_\_\_\_\_day of\_\_\_\_\_\_\_.

     Deponent.

**N.O.C. FOR TRANSFER OF DECEASED FATHER PROPERTY**

Affidavit of (Name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o/D/o Late\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_

Aged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_years,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
I, the above named do hereby solemnly affirm and declare on oath as under:-   
  
1. That my father Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ expired on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ leaving behind myself, brother Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and mother Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as his legal heirs.   
  
2. That my late father Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been running a shop under the name and style of M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ under Corporation Licence No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
3. That I have no objection if the said business is run by my brother Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the existing shop and the licence is transferred in his name.   
  
4. That whatever stated above is true and correct to my knowledge. Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on this \_\_\_\_\_\_\_\_\_\_\_\_.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
Deponent.   
  
 **Verification:-**  
I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ S/o/D/o Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,the above named deponent do hereby solemnly affirm and verify that the contents of paras 1 to 4 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.   
  
Verified at \_\_\_\_\_\_\_\_\_ on \_\_\_\_\_day of\_\_\_\_\_\_\_.   
  
Deponent.

**N.O.C. TO MOTHER TO RECEIVE**

**DECEASED FATHER PROPERTY RENT**

Affidavit of Shri (name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Kumari (Name) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ both son and daughter of Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_age \_\_\_\_\_\_\_\_ and …………….…… years.

                        We, the above named do hereby solemnly affirm and declare on oath as under:-

1.            That we are legal heirs of Late Shri\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ who expired on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2.            That we and our mother Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have legally inherited the entire movable and immovable properties situated at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_belonging to late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ including a building.

3             That Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is our mother and as such we have no objection in case the rental of the premises under your occupation is paid to her as per terms of the tenancy agreement.

4.                  That whatever stated above are true and correct to our knowledge and nothing has been concealed.

 Verified at\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_

Deponent.

**Verification:-**

 I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ w/o Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,the above named deponent do hereby solemnly affirm and verify that the contents of paras 1 to 4 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

                        Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_\_on \_\_\_\_\_day of\_\_\_\_\_\_\_.

**N.O.C. TO MOTHER TO RECEIVE DECEASED**

**FATHER PROPERTY RENT**

Affidavit of MR……………………………….................................

and Kumari/Mrs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

son / daughter of Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Resi\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_

aged about ………………….. and ……………… years.   
  
We, the above named do hereby solemnly affirm and declare on oath as under:-   
  
1. That we are legal heirs of Late Shri\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ who expired on \_\_\_\_\_\_\_\_\_\_\_.   
  
2. That we and our mother Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have legally inherited the entire movable and immovable properties situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_belonging to late Shri \_\_\_\_\_\_\_\_\_\_ including a building.   
  
3. That Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is our mother and as such we have no objection in case the rental of the premises under your occupation is paid to her as per terms of the tenancy agreement.   
  
4. That whatever stated above are true and correct to our knowledge and nothing has been concealed.   
  
Verified at\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_ Deponent.   
  
**Verification:-**  
I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ w/o Late Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,the above named deponent do hereby solemnly affirm and verify that the contents of paras 1 to 4 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.   
  
Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_\_on \_\_\_\_\_day of\_\_\_\_\_\_\_.   
  
Deponent.

**NOTICE UNDER NEGOTIABLE INSTRUMENTS ACT REGARDING DISHONOUR CHEQUE**

**REGISTERED A.D.**

|  |  |
| --- | --- |
|  |  |

To,

Mr..............................................……………

RESI....................................……………………

**Sub:- Notice under Section 138 of the Negotiable Instruments Act for Cheque Dishonoured due to insufficient funds.**

Dear Sir,

Under instructions and authority from our client M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ having their office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, we serve upon you the following notice of demand under Section 138 of the Negotiable Instruments Act.

1. That your business concern M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ had purchased from my client goods (Name and brief description of goods) vide their invoice bearing no. \_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. On delivery of goods above mentioned, you issued a cheque bearing no. \_\_\_\_ dated \_\_\_\_\_\_\_\_\_  for Rs.\_\_\_\_\_\_\_drawn on \_\_\_\_ Bank.

3. That when the aforesaid cheque was presented by our client M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ to your Bankers i.e. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the same was returned unpaid by the Bank with the remarks/reasons **"Insufficient Funds".**This fact was brought to your notice by our client vide letter dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That in reply to our client’s letter, you sent a letter dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ requesting him to deposit the cheque again with banker and assured him that they will be cleared this time.

5. My client again presented your above mentioned cheque with its bankers, this time again cheque was returned un-paid by the bank due to insufficient funds.

6. That thereafter inspite of many telephonic reminders and personal visits by the representative of our client to your office, you failed to make the payment due to our client.

7. That on account of the above facts, you are liable to be prosecuted under section 138 of the Negotiable Instrument Act, 1881 as amended upto date under which you are liable to be punished with imprisonment which may extend to one year or with fine which may extend to twice the amount of cheque or with both.

8. Under the circumstances, we call upon you to make the payment of Rs.\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ being the principal amount of the aforesaid cheque along with interest @ \_\_\_\_ % per annum till the time of actual payment within a period of 15 (fifteen) days from the date of receipt of this notice, failing which we will be bound to take further necessary action under the provisions of Negotiable Instrument Act, 1881 against you in the competent court of law at your risk and cost.

This is without prejudice to all other legal rights and remedies available to our client for the above-stated purpose.

Kindly take notice.

Date:\_\_\_\_\_\_\_\_\_\_\_\_                                                                                                        Yours faithfully,

**POWER OF ATTORNEY FOR**

**INCORPORATION OF A COMPANY**

|  |  |
| --- | --- |
|  |  |

I, the undersigned promoter of M/S,,…………………,,,,,,,,,,,,,,,,,,,,,,,,, Private Limited (under incorporation), do hereby authorise Mr. ………………………….…….., representative of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, having their office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. to do the following:

1. To carry out necessary corrections, amendments, changes, additions, alterations, deletions and such other work as may be necessary, in the Memorandum of Association and Articles of Association and other papers/documents filed or to be filed before the Registrar of Companies, New Delhi for the incorporation of the above Company.

2. To make changes amendments, corrections, additions, deletions and alterations in the subscription clause of the Memorandum of Association and Articles of Association of the above.

3. To collect any certificate that the Registrar of Companies may issue.

4. To give any declaration/statement for and on my behalf in respect of the aforesaid.

I further agree to ratify and confirm all their acts and deeds.

Dated:

Place :

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_,**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Attested signatures of power of attorney holders:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**WITNESS:**

**1……………………….**

**2**……………………..

**Recovery Suit, Recovery Suit Application Affidavit**

In the Court of Hon’ble \_\_\_\_\_\_\_\_\_\_\_\_\_-.  
Civil suit No.\_\_\_\_of \_\_\_\_\_Year 

M/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,

…Plaintiff 

Versus 

M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,Principal occupier   
…Defendant   
  
SUIT FOR RECOVERY OF RS \_\_\_\_\_\_\_\_/- ALONGWITH INTEREST   
  
Court Fee paid Rs.\_\_\_\_\_\_/-  
  
RESPECTFULLY SHOWETH:  
1- That the plaintiff is a company under the name and style of M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ through whom the present suit is being instituted is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the plaintiff company and he has been authorized by the plaintiff vide Resolution dated \_\_\_\_\_\_\_\_\_\_ and he is fully competent to engage the counsel, sign the vakalatnama, plaint, application for stay, affidavit, applications etc. to depose before this Hon’ble court and to do such other acts, deeds and things. The copy of the Resolution is enclosed as Annexure –A.  
  
2- That the plaintiff is engaged in the business of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   
  
3- That during the course of business with the defendant the plaintiff has done \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. An agreement to this effect was executed between the plaintiff and the defendant on \_\_\_\_\_\_\_\_\_\_\_\_\_. The plaintiff did the job work as per the satisfaction of the defendant. During the course of business the plaintiff issued proper bills to the defendant, which were accepted and acknowledged by the defendant. The copy of the Bill is enclosed as Annexure –B.   
  
4- That as per the statement of account maintained by the plaintiff the balance amount of Rs. \_\_\_\_\_\_\_\_/- is outstanding against the defendant as on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ after receiving the last payment of Rs. \_\_\_\_\_\_\_\_\_\_\_/- on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The photocopies of Agreement and statement of account are enclosed.   
  
5- That as per the terms and conditions of the Agreement the defendant have to make the payment of \_\_\_% on the delivery of the \_\_\_\_\_\_\_\_\_\_\_\_, which was supplied to the defendant in time but the payment was not made by the defendant upto \_\_\_\_\_\_\_\_\_\_\_\_. Thereafter so many requests were made to the defendant to make the payment so as the work could be done in time but the defendant failed to make the payment. It is no out of place to mention here that the work was delayed due to the reason known to the defendant. The defendant violated the terms and conditions of the Agreement.   
  
6- That the account of the defendant became irregular and inspite of repeated requests and demands the defendant failed to regularize their account and also failed to make the payment in time.   
  
7- That the plaintiff requested the defendant several times to make the payment of the outstanding amount which is lying against them but the defendant on one pretext or the other avoided to the legitimate requests of the plaintiff without any cause or reason and has stopped the payment of the plaintiff. In this contest the plaintiff has so many times orally and in writing approached the defendant to make the payment of the outstanding amount lying with the defendant. the notice was sent to the defendant by the plaintiff but the defendant failed to make the payment thereafter the and wrote a letter stating that the account of the plaintiff is debited with Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_/- without any reason. The defendant is trying to make liable the plaintiff for their wrongs. The defendant issued the same to cheat the plaintiff. The defendant are evading and neglecting the payment of the plaintiff with one false pretext or the other and with some ulterior purpose and motives therefore, the plaintiff can not trust on the defendant any more and cannot and cannot wait for an indefinite period hence they have been compelled to take efficacious legal action against the defendant.   
  
8- That the account of the defendant become irregular and inspite of repeated requests and demands the defendant failed to regularize their account and also failed to make the payment in time.   
  
9- That the plaintiff was induced by the defendant to believe in making false representations that they would honour the payment on receipt of the invoice but plaintiff realized letter that the intentions of the defendant was not clear and became decisive, the defendant after receiving the goods, converted the same in their own use and still the defendants have not paid the money to the plaintiff as assured by them.  
  
10- That the defendant fraudulently and dishonestly induced the plaintiff to deliver their property and as such the defendant deceived the plaintiff and caused wrongful loss. The defendant were bound to protect the interest of the plaintiff but the defendants failed to do so hence the defendant have committed an offence punishable under section \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ IPC and other provisions of the law.   
  
11- That as per the initial terms and conditions settled with the defendant by the plaintiff, the plaintiff is entitled for an interest @ \_\_\_% per annum which is the prevailing rate in the market usage and is the banking rate of interest on outstanding. The plaintiff claims interest at the above rate from the defendant it became due till the date of realization.   
  
12- That plaintiff served a legal Notice dated \_\_\_\_\_\_\_\_\_\_\_\_ through registered post upon the defendant calling upon them to make the payment of Rs. \_\_\_\_\_\_\_\_/- along with interest @ \_\_% per annum which was duly received by the defendant. On the receipt of this notice the defendant contacted with the plaintiff and demanded some time for making the payment because the defendant were facing some financial problems. But on \_\_\_\_\_\_\_\_\_\_\_ refused to make any payment to the plaintiff.   
  
13- That the cause of action to file the present suit accrued on each and every date when the plaintiff requested the defendant to make the payment of the outstanding amount due against the defendant. The cause of action further accrued on \_\_\_\_\_\_\_\_\_\_\_\_ when the plaintiff sent a legal Notice to the defendant calling upon to make the payment of the plaintiff outstanding against the defendant. The cause of action finally accrued in favour of the plaintiff and against the defendant on \_\_\_\_\_\_\_\_\_ when the defendant refused to make payment of the same to the plaintiff. Hence \_\_\_\_\_\_\_\_\_\_\_\_\_ is the final date of cause of action accrued in favour of the plaintiff and against the defendants. Hence this suit.   
  
14- That the present suit being filed by the plaintiffs against the defendant is the first suit and no such suit has been previously filed, pending or decided by any court of law on the same subject matter.   
  
15- That plaintiff and the defendant reside and the and entire cause of action also accrued between the parties at \_\_\_\_\_\_\_\_\_\_\_\_, within the territorial jurisdiction of this Hon’ble court, therefore, this Hon’ble court has got the jurisdiction to entertain and try the present suit  
  
16- That the value of the suit for the purposes of court fee and jurisdiction is assessed at Rs. \_\_\_\_\_\_\_\_\_\_\_\_/- upon which Advolrum Court fee Stamp of Rs. \_\_\_\_\_\_\_\_/- has been affixed on the plaint.   
  
**PRAYER:** It is, therefore, prayed that this Hon’ble court may graciously be pleased to pass  
  
(i) a decree for recovery of Rs. \_\_\_\_\_\_\_\_/- alongwith interest @ \_\_% per annum since \_\_\_\_\_\_\_\_\_ till upto date may kindly be passed in favour of the plaintiff and against the defendant   
  
(ii) costs of the suit may be awarded in favour of the plaintiff and against the defendant   
  
(iii) or any other relief which this Hon’ble court deems fit and proper may kindly be granted in favour of the plaintiff and against the defendant   
  
PLAINTIFF   
Through counsel:  
  
\_\_\_\_\_\_\_\_\_, Advocate, \_\_\_\_\_\_\_\_\_\_\_  
  
**VERIFICATION:**  
Verified that the contents of Paras No.\_\_\_\_\_\_\_\_\_\_\_ of the plaint are true and correct to best of my knowledge and Paras No. \_\_\_\_\_\_\_\_\_\_\_ of the plaint are true to best of my knowledge and belief.  
  
Verified at \_\_\_\_\_\_\_\_\_\_ on\_\_\_\_\_\_\_\_\_\_\_   
PLAINTIFF

**Regarding Closure Of Business**

Before the ………………………………...

Affidavit of Mr. ………………………………………….,

aged about …………………………………………………. years

S/o Mr. …………………………………………..………………

Resi\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, the abovenamed deponent solemnly affirm and state as under:

1. That the deponent is the partner of the firm M/s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and hence is fully conversant of the facts deposed below.

2. That in the firm there are three partners including the deponent.

3. That one of the partners named PS has shown his intention to retire from the firm on \_\_\_\_\_\_\_\_\_\_.

4. That for reconstitution of the firm the deponent has no alternative but to close the firm .

5. That the deponent is therefore, closing the business with effect from \_\_\_\_\_\_\_\_\_\_\_.

Deponent

VERIFICATION

I, ……………………………………….…… do hereby verify that the contents of this affidavit from paras 1 to 5 are true to the best of my knowledge and belief. Nothing material has been concealed.

Dated……………. Deponent

**Regarding issue of duplicate licence**

**for export trade control.**

Before The ……………………………… Of Exports, Department Of Supply, Ministry Of …………….

Affidavit of Mr. ……………………………………

Age ...................

S/o Mr. ……………………………..…………………., Resi…………………………………………………….

I, the above named deponent solemnly affirm and state on oath as under.—

1. That the deponent is the partner of the firm …………………………………………. and hence is fully conversant of the facts deposed below.

2. That the licence No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_, which was issued to the deponent’s

Co. for export of iron goods, has actually been lost.

3. That the period of said licence has not yet been exhausted.

4. That the above licence was issued for export of total quantity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5. That so far only \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of……………………… …… goods has been exported.

6. That because of the loss of original copy of the Licence the deponent requires a duplicate copy to cover the quantity.

7. that the deponent will return the original Licence to the Licencing authority as and when found for cancellation and shall not make any misuse of the same.

Deponent.

**VERIFICATION**

I, ……………………………………….., the above named deponent do hereby verify that the contents of this affidavit from para 1 to 7 are true to the best of my knowledge and belief. Nothing material has been concealed.

Dated ………………… Deponent

**SIMPLE FORM OF GIFT DEED**

|  |  |
| --- | --- |
|  |  |

KNOW ALL MEN BY THESE PRESENTS that

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

r/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, transfers voluntarily, the property bearing no.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (more particularly described in the schedule annexed hereto), the estimated value of which is Rs.\_\_\_\_\_\_\_\_\_\_\_ (Rupees\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ only) to my daughter Smt.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ w/o of Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as "the donee") To Hold the same to the donee absolutely forever. I further declare that the said gift has been made by me out of my natural love and affection for the donee and the same has been accepted by the donee.

**IN WITNESS WHEREOF**, I have executed this deed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_.

**Witness:**

|  |  |
| --- | --- |
| 1. | **DONOR** |
| 2. | **DONEE** |

I, Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the donee hereby accept the gift of the said property.

**SIMPLE FORM OF GIFT DEED**

|  |  |
| --- | --- |
|  |  |

**KNOW ALL MEN BY THESE PRESENTS** that I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

r/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, transfers voluntarily, the property bearing no.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ situated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (more particularly described in the schedule annexed hereto), the estimated value of which is Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_ (Rupees\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ only) to my daughter Smt.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ w/o of Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter referred to as "the donee") To Hold the same to the donee absolutely forever. I further declare that the said gift has been made by me out of my natural love and affection for the donee and the same has been accepted by the donee.

**IN WITNESS WHEREOF**, I have executed this deed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_.

**Witness:**

|  |  |
| --- | --- |
| 1. | **DONOR** |
| 2. | **DONEE** |

I, Smt. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the donee hereby accept the gift of the said property.

**SPECIAL POWER OF ATTORNEY**

**(FOR APPEARING BEFORE COURT)**

|  |  |
| --- | --- |
|  |  |

**KNOW ALL MEN BY THESE PRESENTS** that

I, ………………………………………………………….……..,

son of ………………………………………………………….,.,

and Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

being ………….. in the civil suit No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_, pending in the court of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

do hereby appoint \_\_\_\_\_\_\_\_\_\_\_\_, son of………………………… and Resi \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ my attorney in my name and on my behalf to do or execute all or any of the following acts or things in connection with the said suit:

(i) To engage or appoint any legal practitioner to conduct the said case;

(ii) To sign, verify and file a written statement;

(iii) To make and present to the court an application in connection with any proceedings in the suit;

(iv) To produce summons or receive documentary evidence;

(v) To make and file compromise or a confession of judgment and to refer the case to arbitration;

(vi) To deposit and withdraw any money for the purpose of any proceeding;

(vii) To file an application for execution of a decree or order passed in the said suit and to sign and verify such application;

(viii) To obtain copies of documents and papers; and

(ix) Generally to do all other lawful acts necessary for the conduct of the said case.

AND I hereby agree that all acts, deeds and things lawfully done by my said attorney shall be construed as acts, deeds and things done by me and I undertake to ratify and confirm all and whatsoever that my said attorney shall lawfully do or cause to be done for me by virtue of the power hereby given.

**IN WITNESS WHEREOF,** I have signed this deed on this day of \_\_\_\_\_\_\_\_\_\_\_\_.

**Signed and delivered by the above named**

**WITNESS:**

**1……………………….**

**2……………………………….**

**Transfer of filed Suit Affidavit**

**IN THE COURT OF** \_\_\_\_\_   
  
\_\_\_\_\_       Versus        \_\_\_\_\_  
  
SUIT FOR RECOVERY   
  
APPLICATION FOR PUTTING UP THE FILE OF THE ABOVE NOTED SUIT BEFORE  THE \_\_\_\_\_  
  
RESPECTFULLY SHOWETH :-  
  
1-    That the above noted case is pending in this Hon’ble court and is fixed for \_\_\_\_\_  
2-    That the plaintiff and the defendant have settled their disputes between them vide which the defendant has \_\_\_\_\_ to the applicant /plaintiff.   
3-    That now the applicants want to get referred the above noted case file before the \_\_\_\_\_  
It is, therefore, prayed that the above noted case file may kindly be referred before the \_\_\_\_\_ today in the interest of justice   
  
Dated \_\_\_\_\_\_                          
  
PLAINTIFF

DEFENDANT  
  
THROUGH COUNSEL 

\_\_\_\_\_ Advocate, \_\_\_\_\_

1. It is pertinent to mention here that, although, the provision regarding maintenance of certain categories of persons has been enshrined in the Code of Criminal Procedure, 1973, the right to maintenance is inherently and essentially a civil right. The intention of the legislature behind making the aforesaid exception is to enable the judiciary to deal with situations requiring urgent and immediate attention. Further, it is for this reason that the pattern, in relation to affidavits, would be the same as followed in civil litigation. [↑](#footnote-ref-1)