**In The Court Of Ld. District Judge, Shimla (Hp)**

CA No.:\_\_\_\_\_\_ of 200\_\_\_\_\_

Appellant

Versus

Respondents

Appeal under Section 96 of CPC against the impugned judgment and decree passed by the Ld. Sub Judge \_\_ on \_\_ in civil suit No. \_\_ titled as \_\_

Respectfully Sheweth

1.  That briefly stated the facts of case are that \_\_

GROUNDS

2.   That the appellant is invoking the Appellate jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst others, each one of which is without prejudice to and independent of other :-

(a)  That the Ld. court below has mis-appreciated the evidence on record and mis-applied the provisions of law.

(b)  That a breach of the rules of natural justice has occurred in connection with the making of the decision by the Hon'ble Ld. court below.

(c)   That procedures that were required to be observed in connection with the making  of the decision were not observed.

(d)   \_\_ That the Ld. court below did not have jurisdiction to make the decision.

(e)   \_\_ That the decision was not authorised by the enactment in pursuance of which it was purported to be made.

(f)  That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.

(g)   That decision incurred an error of law whether or not the error appear on the record of decision.

(h)   \_\_ That the decision was induced or affected by fraud.

(i)    That there was no evidence or other material to justify the making of the decision.

(j)    That the decision was otherwise contrary to law.

(k)   Taking an irrelevant consideration into account in the exercise of power.

(l)    That the Ld. court below has failed to take relevant consideration into account in the exercise of a power.

(m)  That \_\_ an exercise of powers for a  purpose other than a purpose for which the powers is conferred.

(n)    \_\_ an exercise of discretionary powers in bad faith.

(o)   \_\_ an exercise of a personal discretionary powers at the discretion or behest of another person.

(p)   \_\_ an exercise of a discretionary powers in accordance with a rule or policy without regard to the merits of the particulars case.

(q)  \_\_ An exercise of powers that is unreasonable that no reasonable person could have so exercised the powers.

(r)   \_\_ an exercise of a power in such a way that the result of the exercise of the powers is uncertain.

(s)   \_\_ any other exercise of a power in a way that amounts to abuse of powers.

(t)   \_\_ the person who made the decision was required by law to reach that decision only if a particular matter was established and there was no evidence or other material [including facts of which  he was entitled to take notice] from which he could reasonably be satisfied that the matter was established or

(u)  \_\_ the person who made the decision based on the existence of particular fact and that fact did not exist.

(v)  That the Ld. Court below has passed the judgment without appreciating the pleadings as well as the evidence of the parties and hence the impugned judgment is liable to be set aside.  \_\_

(w)   \_\_\_\_\_\_

(x)   That the order of the Hon'ble Ld. court below is against the well-settled principles of law laid down by the Hon'ble Apex court and Hon'ble High Courts in catena of cases.

3.   That the appeal is within the period of limitation as the copy of the impugned judgment of the of the Ld. court below was applied on \_\_ and the limitation for filing an appeal is upto \_\_.  However the appeal can be filed only on \_\_ due to the holidays/vacations in the Ld. Court.

4.  It is, therefore most respectfully prayed that the appeal may kindly be allowed by setting aside the impugned judgment passed by the \_\_ in case \_\_ in the interest of law and justice.  Such other orders may also kindly be allowed as are deemed fit and proper in the facts and circumstances of the case in favour of the appellant and against the respondents.

Shimla                                                                            Appellant

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

**IN THE COURT OF LD. DISTRICT JUDGE, SHIMLA (HP)**

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

Appellant/Applicant

Versus

Respondents/Non-applicants

Application under Order 41 Rule 5 of CPC read with Section 151 CPC for stay of the Judgment/Decree passed by the Ld. \_\_

Respectfully Sheweth

1.   That the appellant/applicant has filed the above mentioned appeal before this Ld. Court hearing whereof will take some time.

2.   That it is apparent from the grounds of appeal and the documents attached therewith that the appellant/applicant has prima facie very good case in his favour and the balance of convenience is also in favour of the appellant/applicant.  The appeal is likely to succeed.

3.  That the interest of justice demands that during the pendency of the appeal the impugned order of the Ld. court below is stayed.  If the impugned order is permitted to operate the appellant/applicant will suffer irreparable loss and injury which cannot be compensated in terms of money.

4.   It is, therefore, most respectfully prayed this application may kindly be allowed and the \_\_ may kindly be stayed during the pendency of this appeal in the interest of justice.  Such other orders may also kindly be passed in favour of the applicant/appellant as may be deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                                  Appellant

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

**IN THE COURT OF LD. DISTRICT JUDGE, SHIMLA (HP)**

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

Appellant/Applicant

Versus

Respondents/Non-applicants

Affidavit in support of application for stay.

I, \_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1.   That the accompanying application has been prepared under my instructions.

2.   That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of my knowledge.

3.  That it is further solemnly affirmed and declared that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

          Affirmed here at Shimla this \_\_\_\_\_\_

                                                              Deponent

                                     PROCESS FEE

**IN THE COURT OF : LD. DISTRICT JUDGE, SHIMLA (HP)**

Versus

CLAIM : RFA

DATE OF HEARING :\_\_\_\_\_\_

DATE \_\_\_\_\_\_

BY WH0M FILED\_\_\_\_\_\_

PURPOSE\_\_\_\_\_\_

AMOUNT\_\_\_\_\_\_

STAMP\_\_\_\_\_\_

     Appellant

                    For service of Respondents:-

                                                             ADVOCATE

Received on \_\_\_\_\_\_ Court-fee stamp of the value of Rs. \_\_\_\_\_\_ with \_\_\_\_\_\_ copies in case No. \_\_\_\_\_\_ of 200\_\_ in Re. \_\_\_\_\_\_Vs\_\_\_\_\_\_.

                                   Signature of the Head Notice Writer