**In The Hon'ble High Court Of Himachal Pradesh At Shimla**

RSA No: \_\_\_\_\_\_of 2004

MEMO OF PARTIES

Appellant/\_\_\_\_\_\_

Versus

Respondent/\_\_\_\_\_\_

Regular Second Appeal under Section 100 of the Civil Procedure Code against the order of the Ld. \_\_\_\_\_\_

Shimla                                                                                      Appellant

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

Respectfully Sheweth:-

1. That briefly the fact of the case are that \_\_\_\_\_\_

GROUNDS

2. That the court below has acted with serious illegality in the exercise of jurisdiction vested in it  by law.

3. That the Ld. Court below has acted with material illegality and irregularity in asmuchas \_\_\_\_\_\_.

4. That the Ld. Court below has failed to exercise the jurisdiction so vested in it by law.

5. That the impugned order of the Ld. Court below if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

6. It is, therefore, most humbly prayed that the RSA may kindly be accepted and allowed in the interest of justice and the impugned judgment and the decree passed by the Ld. \_\_\_\_\_ under appeal may kindly be quashed and set aside and this Hon'ble court may be pleased to send for the record of the case and after examining the legality and propriety of proceedings set aside the judgment and decree under appeal and allow \_\_\_\_\_ with costs through out.

Shimla                                                                                                  Appellant

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

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

RSA No: \_\_\_\_\_\_ of 2004

Appellant/\_\_

Versus

Respondent/\_\_

SUBSTANTIAL QUESTIONS OF LAW

1. Whether \_\_

2. Whether \_\_

Shimla                                                                                                  Appellant

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

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CMP No: \_\_\_\_\_\_of 2004 in RSA No: \_\_\_\_\_\_of 2004

Appellant/Applicant/\_\_

Versus

Respondent/Non-Applicant/\_\_

Application under Order 41 Rule 5 read with Section 151 of CPC for staying the implementation and execution of Judgment  and Decree of the Ld. \_\_\_\_\_\_

Respectfully Sheweth:-

1. That the Appellant/applicant has filed the above mentioned RSA in this Hon'ble court hearing whereof will take sometime.

2. That it is apparent from the grounds of appeal and documents attached therewith that the applicant/appellant has prima facie a very good case in his favour and the appeal is likely to succeed. The balance of convenience is in favour of the Appellant/applicant.  The appellant/applicant submits that the contents and documents of the accompanying RSA may kindly be read as part of this application.

3. That interest of justice demands that during the pendency of this RSA, this Hon'ble court may be pleased to stay the operation, implementation and execution of the impugned judgment and decree.  In case the impugned Judgment and decree is allowed to stand, the Appellant/applicant will suffer irreparable loss and injury which can not be compensated in terms of money.  No harm or prejudice will be caused to the respondents/Non-applicant if the operation of the impugned Judgment & Decree of the Ld. \_\_\_\_\_\_ is stayed.

4. It is, therefore, most respectfully prayed that during the pendency of the RSA this Hon'ble court may be pleased to stay the operation, implementation and execution of the impugned Judgment & Decree of the Ld. \_\_\_\_\_\_ in the interest of justice.  Such other order may also be passed as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Appellant/Applicant

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

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CMP No.:\_\_\_\_\_\_ of 2004 in RSA No:\_\_\_\_\_\_ of 2004

Appellant/Applicants

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Order 41 Rule 5 read with Section 151 of CPC.

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 I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMP No:\_\_\_\_\_\_ of 2004in RSA No:\_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondent/Non-Applicant

Application under Section 151 of CPC for exemption to file the certified copy of the impugned orders of the Ld. \_\_

Respectfully Sheweth:-

1. That the Appellant/applicant has filed the above mentioned RSA in this Hon'ble court hearing whereof will take sometime.

2. That it is apparent from the grounds of appeal and documents attached therewith that the applicant/Appellant has prima facie a very good case in his favour and the appeal is likely to succeed.  The balance of convenience is in favour of the Appellant/applicant.  The Appellant/applicant submits that the contents and documents of the accompanying RSA may kindly be read as part of this application.

3. That the Appellant/applicant could not obtain the certified copy of the impugned order of the Ld. \_\_\_\_\_ despite due diligence and efforts to obtain the same.  The Appellant/applicant will produce the original certified copy of the impugned order within three weeks.  The interest of justice demands that the Appellant/applicant is exempted from filing the certified copy of the impugned order alongwith the RSA.

4. It is, therefore, most respectfully prayed that this court may be pleased to exempt the Appellant/applicant from filing the certified copy of the impugned order \_\_\_\_ alongwith RSA and allow the Appellant/applicant reasonable period of four weeks to place the same on record in the interest of justice.  Such other order may also be passed as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                                  Appellant

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

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CMP No.:\_\_\_\_\_ of 2004 in RSA No:\_\_\_\_\_ of 2004

Petitioners/Applicants

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Section 151 of CPC.

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 I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

RSA No: \_\_\_\_\_of 2004

Appellant

Versus

Respondents

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Shimla                                                                                                  Appellant

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

**OPENING SHEET FOR CIVIL APPEALS/REVISIONS**

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**CIVIL APPELLATE/REVISIONAL SIDE**

Regular \_\_\_\_\_ Appeal/Revision No.:\_\_\_\_\_ of 2004

ORIGINAL SUIT:

Court:  \_\_\_\_\_

Instituted on:  \_\_\_\_\_

Decided on:  \_\_\_\_\_

FIRST APPEAL:

Court \_\_\_\_\_ :  \_\_\_\_\_

Instituted on   : \_\_\_\_\_

Decided on :  \_\_\_\_\_

Date of Filing Appeal/ :  \_\_\_\_\_

Revision in High Court

Value for purpose of :  \_\_\_\_\_

Jurisdiction

Value for purpose of :  \_\_\_\_\_

Court Fee

Amount of Court Fee :  \_\_\_\_\_

on Appeal/Revision

Presented by  : Advocate

Appellant/\_\_\_\_\_Plaintiff/Defendant/Petitioner/Respondent

Respondent/\_\_\_\_\_Plaintiff/Defendant/Petitioner/Respondent

Order of First Court and Date: \_\_\_\_\_

Order of Appellate Court and date: \_\_\_\_\_

Order Confirming, reversing or modifying : \_\_\_\_\_

Original claim as given in plaint: \_\_\_\_\_

Claim in Appeal (Stating whether the appeal in from a decree or order) \_\_\_\_\_

Enactment and Section under which the Appeal/Revision lies: \_\_\_\_\_\_