**In The Court Of Senior Sub Judge : Shimla**

Suit No.:\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

(SUIT UNDER SECTION 91 OF THE CODE OF CIVIL PROCEDURE 1908 FOR ACTS WHICH ARE PUBLIC NUISANCE EFFECTING PUBLIC AND LIKELY TO EFFECT PUBLIC)

 SUIT FOR DECLARATIONS, PERMANENT AND MANDATORY INJUNCTION UNDER SECTION 91 OF THE CODE OF CIVIL PROCEDURE 1908 AND OTHER PROVISIONS

The Plaintiffs Most Respectfully State And Submit As Under :

1. The present suit is being filed by the Plaintiffs seeking the reliefs of declarations, mandatory and permanent injunctions against the Defendants against the acts which are public nuisances effecting the general members of public and such acts which are likely to effect such members. The said suit is being filed against the defendants seeking the reliefs that they are refrained from indulging such acts and forthwith stop such unlawful and illegal acts which have and are likely to create public nuisance and other wrongful acts effecting the public more particularly  the people living in the surrounding area. The present suit is being filed in the representative capacity by the Plaintiff for themselves and other members of general public seeking this Hon'ble Court's intervention and indulgence so as to stop and save the entire locality from the acts of omission and commission being committed by the Defendants hereinafter mentioned.

2.

**In The Court of Senior Sub Judge : Shimla**

 Suit No.:\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

 Application under Section 80 (2) of the CPC

 Respectfully Sheweth:

1. That the Plaintiffs/applicants have on this day filed the accompanying suit seeking the reliefs of declaration and injunction against the defendants.  The plaintiffs/applicants crave leave to refer to the contents and averments contained in the plaint at the time of hearing and disposal of the present application, the contents whereof are not being reproduced herein for the sake of brevity and may be read as part of this application.

2. That the subject matter of the accompanying suit filed by the Plaintiffs/Applicants concerns various acts affecting public and such other and further acts which are public nuisance and likely to affect general members of the public.  The accompanying suit is being filed by invoking the provisions of Section 91 of the CPC and the leave of the court has been sought as required under the said provisions by a separate application..  The plaintiffs/applicants submits that if the acts of omission ad commission being committed by the defendants are allowed to sustain and continue the public shall suffer grievous, irreparable harm, injury and loss.

3. \_\_\_\_\_\_

4. That there exists a very plausible and sustainable cause of action in the facts and circumstance disclosed in the Plaint.  That there exists a prima facie case in favour of the Plaintiffs and severe loss, harm and injury shall be caused if the reliefs prayed for herein are not granted.  No prejudice shall be caused to the Defendants if the leave prayed for herein is granted.  That in the event prior notices are for sixty days are served, grave prejudice shall be caused in as much as the nuisance complained off affect the public at large.

5. The present application is bonafide and is being made in the interest of justice.

 WHEREOF it is most respectfully prayed that this Hon'ble Court may be pleased to:-

(a) Grant leave to the Plaintiffs/Applicants under Section 80 (2) of the CPC to maintain the accompanying suit without compliance with Section 80 (1) of the CPC 1908.

 (b) Pass such further and other orders as this Hon'ble Court may deemed fit and proper in the facts and circumstances of the case.

 Shimla                                                              Plaintiffs/Applicants

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

**In The Court of Senior Sub Judge : Shimla**

Suit No.:\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

 Affidavit in support of application under Section \_\_\_\_\_\_\_\_ 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  \_\_\_\_ of the accompanying application are correct and true.

3. That I further solemnly affirm and declare 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 the \_\_\_\_\_\_ .

Deponent

**In The Court Of Senior Sub Judge : Shimla**

Suit No.:\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

 Application under Section 91 (1) (b) of the Code of Civil Procedure

 Respectfully Sheweth:

 1. That the Plaintiffs/applicants have on this day filed the accompanying suit seeking the reliefs of declaration and injunction against the defendants.  The plaintiffs/applicants crave leave to refer to the contents and averments contained in the plaint at the time of hearing and disposal of the present application, the contents whereof are not being reproduced herein for the sake of brevity and may be read as part of this application.

2. That the subject matter of the accompanying suit filed by the Plaintiffs/Applicants concerns various acts affecting public and such other and further acts which are public nuisance and likely to affect general members of the public.  The accompanying suit is being filed by invoking the provisions of Section 91 of the CPC and the leave of the court is required to be sought  per the said provisions by a separate application..  The plaintiffs/applicants submits that if the acts of omission ad commission being committed by the defendants are allowed to sustain and continue the public shall suffer grievous, irreparable harm, injury and loss.

3. \_\_\_\_\_\_

4. That there exists a very plausible and sustainable cause of action in the facts and circumstance disclosed in the Plaint.  That there exists a prima facie case in favour of the Plaintiffs and severe loss, harm and injury shall be caused if the reliefs prayed for herein are not granted.  No prejudice shall be caused to the Defendants if the leave prayed for herein is granted.  That in the event prior notices are for sixty days are served, grave prejudice shall be caused in as much as the nuisance complained off affect the public at large.

5. The present application is bonafide and is being made in the interest of justice.

WHEREOF it is most respectfully prayed that this Hon'ble Court may be pleased to:-

(a) Grant leave to the Plaintiffs/Applicants under Section 80 (2) of the CPC to maintain the accompanying suit without compliance with Section 80 (1) of the CPC 1908.

(b)Pass such further and other orders as this Hon'ble Court may deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                          Plaintiffs/Applicants

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

**In The Court Of Senior Sub Judge : Shimla**

Suit No.:\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

 Affidavit in support of application under Section \_\_\_\_\_\_\_ 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 \_\_\_\_ of the accompanying application are correct and true.

 3. That I further solemnly affirm and declare 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 the \_\_\_\_\_\_ .

Deponent

**In The Court Of Senior Sub Judge : Shimla**

 Suit No.:\_\_\_\_\_\_ of 2004

 Plaintiff

 Versus

 Defendants

 Application under Section 31 (1) & (2) of Code of Civil Procedure

Respectfully Sheweth:

1. That the Plaintiffs/applicants have on this day filed the accompanying suit seeking the reliefs of declaration and injunction against the defendants.  The plaintiffs/applicants crave leave to refer to the contents and averments contained in the plaint at the time of hearing and disposal of the present application, the contents whereof are not being reproduced herein for the sake of brevity and may be read as part of this application.

2. That the subject matter of the accompanying suit filed by the Plaintiffs/Applicants concerns various acts affecting public and such other and further acts which are public nuisance and likely to affect general members of the public.  The accompanying suit is being filed by invoking the provisions of Section 91 of the CPC and the leave of the court has been sought as required under the said provisions by a separate application..  The plaintiffs/applicants submits that if the acts of omission ad commission being committed by the defendants are allowed to sustain and continue the public shall suffer grievous, irreparable harm, injury and loss.

3. \_\_\_\_\_\_

4. That there exists a very plausible and sustainable cause of action in the facts and circumstance disclosed in the Plaint.  That there exists a prima facie case in favour of the Plaintiffs and severe loss, harm and injury shall be caused if the reliefs prayed for herein are not granted.  No prejudice shall be caused to the Defendants if the leave prayed for herein is granted.  That in the event prior notices are for sixty days are served, grave prejudice shall be caused in as much as the nuisance complained off affect the public at large.

5. The present application is bonafide and is being made in the interest of justice.

WHEREOF it is most respectfully prayed that this Hon'ble Court may be pleased to:-

(a) Grant leave to the Plaintiffs/Applicants under Section 80 (2) of the CPC to maintain the accompanying suit without compliance with Section 80 (1) of the CPC 1908.

(b) Pass such further and other orders as this Hon'ble Court may deemed fit and proper in the facts and circumstances of the case.

 Shimla                                                                          Plaintiffs/Applicants

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

**In The Court Of Senior Sub Judge : Shimla**

 Suit No.: \_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendants

 Affidavit in support of application under Section \_\_\_\_\_\_ 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 \_\_\_\_ of the accompanying application are correct and true.

 3. That I further solemnly affirm and declare 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 the \_\_\_\_\_\_\_\_\_ .

 Deponent