**In The Court Of \_\_\_\_\_\_\_**

In Case:

Plaintiff

Versus

Defendants

Written Statement on behalf of defendant Nos. \_\_\_\_\_\_\_

Respectfully Sheweth:

Preliminary Objections:

1. That the plaintiff has no locus standi to file the present suit.  The plaintiff has no right, title or interest over the suit land.  No cause of action much less plausible cause of action has arisen in favour of the plaintiff and as such the suit is not maintainable.  The suit is misconceived. Briefly the fact of the case are \_\_\_\_\_\_\_

2.  That the plaintiff has not come with clean hands before this Hon'ble court. The principle of suppressio veri suggestio falsi applies against the plaintiff and this suit deserves to be dismissed on this score alone.  The plaintiff has obtained exparte interim injunction by suppression of material facts and by mis-leading this Hon'ble court.

3.  That the suit is false, frivolous and vexatious and bereft of material substance.  The suit is bad for non-joinder of necessary parties.

4.  That the suit is not maintainable in the present form.\_\_\_\_\_\_\_

5.  That the suit is barred by the limitation. \_\_\_\_\_\_\_

6.  That the suit is not properly valued for the purpose of jurisdiction and court fees. \_\_\_\_\_\_\_

7.   That the suit is bad for mis-joinder of parties and non-joinder of necessary parties. \_\_\_\_\_\_\_

8.   That the suit is bad for mis-joinder of causes of action.  \_\_\_\_\_\_\_

9.   That the suit is not maintainable for non-disclosure of better particulars. \_\_\_\_\_\_\_

10.  That the suit is not properly valued. \_\_\_\_\_\_\_

11.  That the plaintiff himself is estopped from filing the present suit due to his own, act, deed, conduct and acquiescence.\_\_\_\_\_\_\_

On Merits:

That without prejudice to the aforesaid, the seriatim reply on merits is as under:-

1.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

2.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

3.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

4.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

5.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

6.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

7.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

8.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

9.    The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

10.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

11.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

12.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

13.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

14.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

15.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.  \_\_

16.  The contents of para No. \_\_ of the plaint are not admitted being wrong and false.

It is, therefore, most respectfully prayed that the suit is mis-conceived, false, frivolous and vexatious and bereft of material substance and merits, as such the same deserves to be dismissed and may kindly be dismissed with costs in favour of the defendants throughout.  Such other/relief order may also be passed in favour of the defendants as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Replying Defendant Nos. \_\_

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

Verification:

I,\_\_\_\_\_\_\_, the defendant do hereby verify that the contents of paras 1 to \_\_\_\_\_\_\_ of the Preliminary Objections and paras 1 to \_\_\_\_\_\_\_ of the reply on merit are true and correct to the best of our knowledge and belief, no part of it is false and nothing material has been concealed therein.

          Verified here at Shimla on this the \_\_\_\_\_\_\_.

                                           Replying Defendants Nos. \_\_

**In The Court Of \_\_\_\_\_\_\_**

In Case:

Applicant/Plaintiff

Versus

Defendants

Affidavit in support of Written Statement

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

1.  That the accompanying Written Statement has been prepared under my instructions.

2.  That the contents of paras 1 to \_\_\_\_\_\_ of the preliminary submissions and paras 1 to \_\_\_\_\_ of the reply on merit of the accompanying Written Statement 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 Court Of** \_\_\_\_\_\_\_

In Case:

Applicant/Plaintiff

Versus

Respondents

Reply on behalf of defendant Nos. \_\_ to the Stay Application under Order 39 Rule 1 and 2 read with Section 151 of CPC

Respectfully Sheweth:

Preliminary Submissions/Objections:

1. That the plaintiffs has no locus standi to file the present suit.  The plaintiff has no right, title or interest over the suit land.  No cause of action much less plausible cause of action has arisen in favour of the plaintiffs and as such the suit is not maintainable. The suit is misconceived. Briefly the fact of the case are  \_\_

2. That the plaintiff has not come with clean hands before this Hon'ble court. The principle of suppressio veri suggestio falsi applies against the plaintiff and this suit deserves to be dismissed on this score alone.  The plaintiff has obtained exparte interim injunction by suppression of material facts and by mis-leading this Hon'ble court.

3. That the suit is false, frivolous and vexatious and bereft of material substance.  The suit is bad for non-joinder of necessary parties.

4.   It is submitted that the contents of reply to main suit may be read as part and parcel of the reply to the application.

On Merits:

That without prejudice to the aforesaid, the seriatim reply on merits is as under:-

1.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

2.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

3.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

4.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

5.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

6.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

7.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

8.  That the contents of para No. \_\_ of application are wrong and denied.  \_\_

It is, therefore, most respectfully prayed that the application is mis-conceived, false, frivolous and vexatious and bereft of material substance and merits, as such the same deserves to be dismissed and the interim orders passed on \_\_ deserves to be vacated and may kindly be vacated with costs in favour of the defendants throughout.  Such other order may also be passed in favour of the defendants as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Respondents

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

**In The Court Of \_\_\_\_\_\_\_**

In Case:

Applicant/Plaintiff

Versus

Defendants

Affidavit in support of reply to the Stay Application U/O 39 Rule 1 and 2 read with Section 151 CPC

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

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

2.  That the contents of paras 1 to \_\_ of the preliminary submissions and paras 1 to \_\_ of the reply on merit of the accompanying reply 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 Court of \_\_\_\_\_\_\_

 Application No: \_\_\_\_\_\_\_of 2004

Plaintiff/Non-Applicant

Versus

Defendant/Applicant

Application under Section 148 of the  CPC for condonation of delay in filing reply

Respectfully Sheweth:

1. That the applicant/plaintiff has filed a case before this Hon'ble court and the applicant/defendant was to file reply to the same.

2. That the reply could not be filed within the stipulated period of 30 days owing to the circumstances \_\_

3. That the interest of justice demands that the applicant is allowed to file reply by extending the time stipulated in the interest of justice.

4. It is therefore most respectfully prayed that the  this application may kindly be allowed and the applicant may kindly be allowed to file the reply which is ready and the same may kindly be ordered to be taken on record in the interest of justice.  Such other orders may kindly also be passed in favour of the  applicant as deemed  fit and proper in the facts and circumstances of the case.

Shimla                                                                                                  Applicant

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

**In the Court of \_\_\_\_\_\_\_**

Application No:\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_

Applicant

Versus

Respondent

Affidavit in support of application

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 \_\_\_\_\_ are true and correct to the best of my knowledge.

3. That I further solemnly affirm and declare that the contents of this affidavit of mine are correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therewith.

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

Deponent

**In the Court of : \_\_\_\_\_\_\_**

\_\_\_\_\_\_\_Versus\_\_\_\_\_\_\_

Suit : for Declaration\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name & Parentage \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the above noted suit every summons, notice & other order may be served on me on the address given above during the pendency of the suit.  Change of Address will be intimated to the Court.

Dated : \_\_\_\_\_\_\_

                                                  Sd:-

                                                  Plaintiff/Petitioner

                                                  Defendant/Respondent

                                    Through, Advocate

Process Fee

**In The Court of :\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_Versus \_\_\_\_\_\_\_

Claim : for Declaration

Date of Hearing :\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_

By Whom Filed\_\_\_\_\_\_\_

Purpose\_\_\_\_\_\_\_

Amount\_\_\_\_\_\_\_

Stamp\_\_\_\_\_\_\_

Plaintiff

For service of defendants

                                                              Advocate

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

                                   Signature of the Head Notice Writer

Under Order 7 Rule 13 (1) CPC

List of Documents Filed By Plaintiff/Defendant

**In the Court of :\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_Versus \_\_\_\_\_\_\_

Date of Hearing:\_\_\_\_\_\_\_

Suit for : for Declaration

Date of Production : \_\_\_\_\_\_\_

**S.No Details, Date     What is        If Documents    If Rejected**

**Documents         Intended       Filed What is   Then the**

**to be          the Exh Marked  Date of**

**Proved From    on it           Return of**

**Document                       Documents**

**Date:   &@&          Counsel for Plaintiff/Defendant**

**List of Documents Relied Upon**

**Under Order 7 Rule 14 CPC Filed by : -3-**

**In the Court of : -6-**

**-2-  Versus  -3-**

**Suit : for Declaration        Date of hearing:**

**----------------------------------------------------------------**

**1.   Have you produced any              Yes Sir, as per list.**

**documents with the plaint**

**so, what are those document.**

**2.   Do you wish to produce any more    Yes sir, if required.**

**documents which are in your**

**possession and custody**

**if so, what are those documents.**

**3.   Do wish to relay upon any          Yes sir, later on**

**other documents,  if so in         from the custody**

**whose possession they are and      of defendants.**

**what are those documents.**

**----------------------------------------------------------------**

**Counsel for**

**Dated: &@&**