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

Civil Suit No.\_\_\_\_\_\_ of 2004

Date of Institution : \_\_\_\_\_\_

Plaintiff

Versus

Defendants

Suit for the Partition to the effect that the plaintiff is entitled to get \_\_\_\_\_\_

Respectfully Sheweth :

1.  That the plaintiff was\_\_\_\_\_\_

2.  That the cause of action accrued to the plaintiff on \_\_\_\_\_\_

3.  That the plaintiff is permanently residing within the jurisdiction of this Hon'ble court and all the correspondence from the defendants were received at his home address and the office of the defendant is located in the territory of this Hon'ble Court, hence this court has each and every jurisdiction to try and entertain this suit. \_\_\_\_\_\_\_

4.  That the value of the suit for the purposes of jurisdiction has been fixed for Rs. \_\_\_\_200/- and for the purposes of declaration and correct and authorised court fee stamp of Rs. \_\_\_\_\_ has been affixed on the plaint.

5.  It is, therefore, most respectfully prayed that a decree for partition to the effect that plaintiff is entitled to get his share \_\_\_\_\_ , be passed in favour of plaintiff and against the defendants with costs of the suit.  Such other reliefs as deemed fit and proper in the facts and circumstances of the case may also be passed in favour of the plaintiff and against the defendants in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PLAINTIFF AS IN DUTY BOUND SHALL EVER PRAY.

Shimla                                                                                      Plaintiff

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

Verification:

I,\_\_\_\_\_, do hereby verify that the contents of the above plaint from paras 1 to \_\_\_\_ are true and correct to the best of my knowledge and belief.

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

                                                             Plaintiff

**In the Court of Senior Sub Judge Shimla**

 Application No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondent

Application under order 39 Rule 1 and 2 of the Civil Procedure Code for \_\_\_\_\_\_\_

Respectfully Sheweth:

1. That the applicant/plaintiff has filed a case before this honorable court hearing where of will take some time.

2. That it is apparent from perusal of grounds and documents attached therewith that the applicant has prima facie a very good case in his favour and the case is likely to succeeds.  The balance of convenience is in favour of the applicant. The grounds of the case may be read as part of this application to save the repetition.

3. That the interest of justice demands that the respondent is restrained from \_\_\_\_\_\_.  In case the respondents are not restrain that the applicant will suffer irreparable loss and injury which cannot be compensated in terms of money and  filing of this case will become  infructuous.

4. It is therefore most respectfully prayed that the  respondents be restrained from \_\_\_\_\_\_\_ in the interest of justice. Such other orders he also passed in favour of the  applicant as deemed  fit in facts and circumstances of the case.

Shimla                                                                                                  Applicant

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

**In the Court of Senior Sub Judge Shimla**

Application No:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondent

Affidavit in support of application under order 39 Rule 1 and 2 of the  Civil Procedure Code.

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 : Senior Sub Judge Shimla**

\_\_\_\_\_\_ Versus \_\_\_\_\_\_

Suit : for Partition

|  |  |
| --- | --- |
| 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 Respdt.

Through, Advocate

Process Fee

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

\_\_\_\_\_\_ 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 2004 in Re. \_\_\_\_\_\_ Vs \_\_\_\_\_\_.

Signature of the Head Notice Writer

**Under Order 7 Rule 13 [1] C.P.C.**

**List of Documents Filed By Plaintiff/Defendant**

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

\_\_\_\_\_\_ Versus \_\_\_\_\_\_

Suit for : for Partition

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

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 C. P. C. Filed by : 2**

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

\_\_\_\_\_\_ Versus  \_\_\_\_\_\_

Suit : for Declaration

Date of hearing:\_\_\_\_\_\_

|  |  |
| --- | --- |
| 1. Have you produced any documents with the plaint  so, what are those document. | Yes Sir, as per list |
| 2. Do you wish to produce any more documents which are in your possession and custody if so, what are those documents. | Yes sir, if required. |
| 3. Do wish to relay upon any  other documents, if so in  whose possession they are and  what are those documents. | Yes sir, later on from the custody of the defendants. |

                                                            Counsel for

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