**In The Court Of Learned Civil Judge (Senior Division) Shimla**

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

Plaintiff

Versus

Defendants

Suit for Permanent Prohibitory Injunction and Mandatory Injunction restraining the defendant from raising any construction over the suit land comprising in Khata Khatauni No. \_\_\_\_\_, Khasara No. \_\_ measuring \_\_\_\_\_ Biswas situated at \_\_\_\_\_\_\_ restraining the defendant from causing any construction over the suit land against the Municipal Corporation Act and Bye-Laws and Town & Country Planning Act and Rules and also directing the defendant to remove illegal and unauthorised construction over the suit land owned and possessed by the plaintiff and also directing the demolition of the construction already raised or raised during the pendency of this suit on the set-back area of the suit land owned by the defendant \_\_\_\_\_and also with the prayer to direct the defendant to handover the peaceful possession of the suit land already encroached upon by the defendant No. 1.

Respectfully Sheweth:

1. That the plaintiff is owner in possession of land comprising in Khata Khatauni No. \_\_\_\_\_ Khewat No. \_\_\_\_\_, Khatauni No. \_\_\_\_\_, Khasara No. \_\_\_\_\_ measuring \_\_\_\_\_\_ Biswas situated at \_\_\_\_\_\_\_\_ as per the Jamabandi for the year \_\_\_\_\_\_. \_\_\_\_\_\_The plaintiff has a building raised on the above land duly sanctioned by the appropriate authority.

2. That the defendant is owner of the land comprised in Khata Khatauni No. \_\_\_\_\_\_\_\_, Khasara No. \_\_\_\_\_\_ situated at \_\_\_\_\_\_\_ as per the Jamabandi for the year \_\_\_\_\_\_\_.

3. That the defendant No. 1 during the month of \_\_ has started raising further construction in as much as without leaving any set-backs as prescribed by the law and further encroached upon the land of the plaintiff by projecting the Chhajjas towards the land of the plaintiff and thus obstructing light, air and sun to the building of the plaintiff besides causing nuisance to the plaintiff and his tenants, thereby depriving the plaintiff of his easementary rights of light, air and sun, which rights were being enjoyed by the plaintiff and his predecessor-in-interest from time immemorial peacefully, openly and hostile to the very knowledge of the defendant or other persons living in the vicinity. The said rights of easementary have now been infringed by the defendant in the month of \_\_\_\_\_\_ by raising the construction in haphazard manner in asmuch as the defendant \_\_\_\_\_\_

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

5. 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. \_\_\_\_\_\_

6. 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.

7. That no suit has been instituted agasinst the defendants on the same or similar cause of action in any other court including High Court and Supreme Court of India.

8. It is, therefore, most respectfully prayed that a decree for Permanent Prohibitory Injunction and Mandatory Injunction restraining the defendant from raising any construction over the suit land comprising in Khata Khatauni No. \_\_\_\_\_, Khasara No. \_\_\_\_\_ measuring \_\_\_\_\_ Biswas situated in \_\_\_\_\_ restraining the defendant from causing any construction over the suit land against the Municipal Corporation Act and Bye-Laws and Town & Country Planning Act and Rules and also directing the defendant to remove illegal and unauthorised construction over the suit land owned and possessed by the plaintiff and also directing the demolition of the construction already raised on the set-back area of the suit land owned by the defendant and also with the prayer to direct the defendant to handover the peaceful possession of the suit land already encroached upon by the defendant No. 1, 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 LEARNED CIVIL JUDGE (SENIOR DIVISION) SHIMLA**

Civil Suit No:\_\_\_\_\_\_\_ of 2004

Plaintiff

Versus

Defendant

Affidavit

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

1.\_\_\_\_\_\_ That the accompanying plaint has been drafted under my instructions. For the sake of brevity, the contents of plaint are not being reproduced hereunder in this affidavit. However, the contents of the plaint may kindly be read as part and parcel of this affidavit.

2. That the contents of paras 1 to \_\_\_\_\_\_ of the plaint are correct and true to the best of my knowledge and paras \_\_\_\_\_ to \_\_\_\_\_ are believed to be correct being legal advise given by the counsel.

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

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

Deponent

**IN THE COURT OF LEARNED CIVIL JUDGE (SENIOR DIVISION) SHIMLA**

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

Applicant

Versus

Respondent

Application under order 39 Rule 1 and 2 of the Civil Procedure Code for Permanent Prohibitory Injunction and Mandatory Injunction restraining the defendant from raising any construction over the suit land comprising in Khata Khatauni No. \_\_\_\_\_\_\_\_, Khasara No. \_\_ measuring \_\_\_\_\_\_\_ Biswas situated at \_\_\_\_\_\_\_ restraining the defendant from causing any construction over the suit land against the Municipal Corporation Act and Bye-Laws and Town & Country Planning Act and Rules and also directing the defendant to remove illegal and unauthorised construction over the suit land owned and possessed by the plaintiff and also directing the demolition of the construction already raised on the set-back area of the suit land owned by the defendant and also with the prayer to direct the defendant to handover the peaceful possession of the suit land already encroached upon by the defendant No. 1.

Respectfully Sheweth:

1. That the applicant/plaintiff has filed a case before this Hon'ble 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

\_\_\_\_\_ hauhan, Advocate

**IN THE COURT OF LEARNED CIVIL JUDGE (SENIOR DIVISION) 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 LEARNED CIVIL JUDGE (SENIOR DIVISION) SHIMLA**

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

Suit : for Declaration

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Name & Parentage Address

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-1-

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

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

Sd:-

Plaintiff Petitioner

Defendant Respdt.

Through, Advocate

Process Fee

**IN THE COURT OF LEARNED CIVIL JUDGE (SENIOR DIVISION) 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 LEARNED CIVIL JUDGE (SENIOR DIVISION) SHIMLA**

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

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

Suit for : for Permanent Prohibitory Injunction

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 :\_\_\_\_\_\_\_**

**IN THE COURT OF LEARNED CIVIL JUDGE (SENIOR DIVISION) SHIMLA**

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

Suit : for Permanent Prohibitory Injunction Date of hearing:

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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 you wish to rely upon any Yes sir, later on

other documents, if so in from the custody

whose possession they are and of the defendants.

what are those documents.

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Counsel for

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