**IN THE COURT OF CIVIL JUDGE, NOIDA**

**I.A. NO. \_\_\_\_\_\_\_\_\_ OF 2018**

IN RE: Mr. X Son of \_\_\_\_\_\_\_\_\_, Resident Of \_\_\_\_, Aged \_\_\_\_\_\_\_\_. **PLAINTIFF**

**VERSUS**

Mr. M \_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_, Aged \_\_\_\_\_\_\_\_\_. **RESPONDENT**

**INTERIM APPLICATION UNDER ORDER XXXIX RULE 1 AND 2 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE 1908 FOR THE DEPOSIT OF RENT IN THE COURT ON BEHALF OF THE PLAINTIFF.**

**MOST RESPECTFULLY SHEWETH:**

1. The Plaintiff/Applicant filed the above captioned suit **seeking the main relief of decree of mandatory injunction** and declaration against the defendant.
2. It is relevant to mention that the plaintiff/applicant is the owner/landlord of the house situated at \_\_\_\_\_\_\_\_\_\_\_\_.
3. The defendant had been the tenant of the said premises and continues to wrongfully enjoy possession of the same.
4. The lease of the property has expired on \_\_\_\_\_\_\_\_\_\_\_.
5. It has been more than \_\_\_\_\_\_\_\_\_ months that the tenant has not paid any rent what so ever to the applicant/landlord and the result is that he continues to enjoy the property without any consideration causing severe losses to the plaintiff herein.
6. It is in the interest of justice and fairness that a direction should be given to the defendant that till the final adjudication/decision in the matter he should be directed to deposit on a monthly basis the rent of Rs. \_\_\_\_\_\_\_\_\_\_\_ and annually without prejudice to the rights of the practice should be given to the applicant.
7. The facts and the circumstances of the case are not being reproduced herein for the sake brevity and all of them have been duly incorporated in the accompanying plaint.
8. The applicant has a strong prima facie case and there is every likelihood of his being successful in the matter.
9. The balance of convenience is also in favour of the plaintiff/applicant and against the respondent.
10. In the above premises this Hon’ble Court, be pleased to pass an appropriate order/direction to the effect that the defendant should deposit a sum of Rs. \_\_\_\_\_\_\_ on the 1st day of every month in the registry of the Court as the rental income of the wrongfully enjoying the said premises. Furthermore, the Court may additionally direct that the applicant/plaintiff may withdraw the said amount from the registry of Court after the expiry of a period of 12 months without creating prejudice to his rights.

**PASS SUCH OTHER OR THE ORDERS AS THIS HON’BLE COURT MAY DEEMED FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.**

Sd/-

Plaintiff

Sd/-

Council

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**VERSUS**

Mr. M \_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_, Aged \_\_\_\_\_\_\_\_\_.  **RESPONDENT**

**AFFIDAVIT**

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

1. \_\_\_\_\_\_\_\_\_ That the accompanying Interim Application has been drafted under my instructions. For the sake of brevity, the contents of Interim Application are not being reproduced hereunder in this affidavit. However, the contents of the Interim Application may kindly be read as part and parcel of this affidavit.
2. That the contents of para’s \_\_\_\_\_\_ to \_\_\_\_\_\_ of the Interim Application are correct and true to the best of my knowledge and paras \_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_ are believed to be correct being legal advice 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 immaterial has been concealed therein.

Affirmed here at Noida this \_\_\_\_\_\_\_\_\_\_\_.

**Sd/-**

**APPLICANT**