

Precedent No. 23

AFFIDAVIT: IN A CIVIL REVISION PETITION - SEEKING INJUNCTION

BEFORE THE HON'BLE HIGH COURT OF

Civil Miscellaneous Petition No of 20

In

Civil Revision Petition No.. of 20

IN THE MATTER OF:

A.B.

....PETITIONER

VERSUS

B.C

.....RESPONDENT

AFFIDAVIT

I.....S/o....., aged..... years,
residing in.....

The deponent abovenamed, hereby solemnly affirms and declares as follows:

1. That the deponent is the Petitioner in the Civil Revision Petition referred to above. Being well conversant with the facts and circumstances of the present case, the deponent is fully competent to swear to this authority. The deponent will be referred to as the petitioner hereinafter.
2. That the said Revision Petition is filed against the Order dated.....,in O.S. No.....of.....on the files of the Principal Sub-Judge ,.....
3. That the said suit was filed by the Petitioner seeking the issuance of, *inter alia*, a decree of permanent prohibitory injunction to the defendant restraining him from disposing of the suit property to a third party. An application, I.A. No , for temporary injunction was also filed alongwith the suit, with a view to restrain the respondent-defendant from disposing of the suit property to a third party during the pendency of the suit.
4. That it is submitted that inspite of repeated request made by the petitioner's counsel, the learned sub-Judge did not take up the same for hearing. Finally, when the petitioner's counsel repeatedly pressed for hearing the interlocutory application, the respondent's lawyer made an oral application to decide the question of maintainability of the suit and jurisdiction as a preliminary question. Accordingly, without hearing the injunction application, the learned sub-Judge passed an Order dated finding the issue of jurisdiction and maintainability against the petitioner.
5. That it is aggrieved by the abovesaid Order that the said Revision Petition is filed.
6. That it is further submitted that taking undue advantage of the aforesaid situation, the respondent has speeded up his negotiations with prospective buyers to dispose off the suit property.

7. That if the respondent is allowed to carry on with the said negotiations and eventually give shape to his dishonest and malicious intention to dispose off the suit property during the pendency of the suit, the very purpose of the suit will stand defeated and the petitioner will suffer such irreparable injury as will not be capable of being remedied by way of damages.
8. That the grant of the injunction in favour of the petitioner will not, in any case, adversely affect jeopardize the respondent's lawful rights during the pendency of Civil Revision. Therefore, the balance of convenience is in favour of the injunction being granted.

It is, therefore, just and necessary that this Hon'ble Court may be pleased to pass an Order of *ad interim* injunction restraining the respondent from disposing off the suit property to any third party during the pendency of the suit.

Sd/

Deponent.

VERIFICATION

Verified at on this the day of, 20, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd/

Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the day of, 20

Sd/

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided and only facts be stated in affidavit to the possible extent.