

**Precedent No. 43**

**AFFIDAVIT: IN A RENT CONTROL APPEAL - SUPPORTING AN APPLICATION  
FOR STAY**

**BEFORE THE HON'BLE DISTRICT COURT AND RENT CONTROL APPELLATE**

**AUTHORITY,.....**

I.A. No.....of 20.....

In

R.C.A. No.....of 20.....

**IN THE MATTER OF**

A.B.

.....PETITIONER

VERSUS

B.C

.....RESPONDENT

**AFFIDAVIT**

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

The deponent abovenamed hereby solemnly affirms and declares as follows:

1. The deponent is the applicant in the appeal referred to above and the petitioner in the accompanying petition. The deponent, being well conversant with the facts of the case, stands fully competent to swear to this affidavit. The deponent will be referred to as the petitioner hereinafter.
2. The appeal referred to above has been preferred against the order allowing eviction of the petitioner herein, on the ground of misuse.
3. It is the bona fide belief of the petitioner herein that the appeal referred to above will be allowed considering the fact that the grounds urged in the Memorandum of Appeal are valid and completely sustainable.
4. The allegation of the misuse of the rented premises, as put by the respondent, is absolutely false and a mere figment of his over-working imagination employed by him with a view to forcibly evict the petitioner from the rented premises.

5. It is respectfully submitted that mere keeping of the garments in one of the rooms of the rented premises does not, by any stretch of imagination, amount to misuse of the same. The petitioner brings back the unsold garments from his nearby shop due to lack of proper security in the area and there is not a grain of truth in the allegation that the petitioner has started using the rented premises to sell the garments.
6. It is further submitted that the petitioner is a man of very limited means and has a large family to support and his eviction from the aforesaid premises would adversely affect his interests.
7. As is abundantly clear, the respondent is bent upon employing the legal machinery to execute his malicious and dishonest intention of letting the rented premises to a third party at an exorbitant price.
8. If the respondent is allowed to execute the order of eviction, pending the disposal of the appeal, it will cause irreparable loss to the petitioner.
9. It is, therefore, in the interest of justice, equity and conscience that this Hon'ble Court be pleased to stay all further proceedings pursuant to the order dated.....  
R.C.P. No..... of the Additional Munsiff (Rent Control) Court,  
..... pending final disposal of the above R.C.A.

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 deleted from affidavit to possible extent.

Kanoonihelp.com