

Precedent No. 38

**AFFIDAVIT: UNDER ORDER VII, RULE 16 C.P.C. - DECLARATION OF LOSS OF
NEGOTIABLE INSTRUMENTS BY A BANKER**

IN THE SUBORDINATE JUDGE'S COURT OF

Regular Suit No of 20

IN THE MATTER OF:

A.B

.....PLAINTIFF

VERSUS

B.C

.....DEFENDANT

AFFIDAVIT

I,, S/o....., aged years, now residing in
....., do hereby swear in the name of God that:

1. I am the Senior Manager of the plaintiff bank. Being well acquainted with the facts and circumstances of the case, I am competent and duly authorised to swear to this affidavit and will refer to myself as the plaintiff bank hereinafter.
2. The defendant abovenamed issued a cheque Noondatedfor a sum of Rs.....
3. The said cheque was presented by the defendant onto the plaintiff bank for collection.
4. In due course of business the said cheque was sent to for collection by post.
5. In the meantime, the defendant requested the plaintiff bank to advance Rsbeing the proceeds of the said cheque and the plaintiff bank, in good faith, allowed the defendant to withdraw the amount covered by the cheque on
6. On the enquiries made by the plaintiff bank, the Lord Krishna Bank, Trichi, by letter dated....., informed the plaintiff bank that the said cheque was never received by them.
7. It is apparent that the cheque so sent was lost in transit.

8. In view of the above contingent situation, the plaintiff bank requested to issue another cheque in lieu of the lost cheque, but the defendant refused to do so.
9. It is amply clear from the facts mentioned above that the cheque in question was lost due to circumstances beyond the control of the plaintiff bank and not owing to any willful default, neglect or laches on the part of the said bank.
10. It is further assured that the lost cheque, if and when traced out, the plaintiff bank shall produce the same before this Hon'ble Court.

SdJ

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.

SdJ

Deponent.

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

SdJ

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.