

Precedent No. 1

**AFFIDAVIT: UNDER ORDER XXXIX, RULE I OF THE CODE OF CIVIL
PROCEDURE, 1908 - AD INTERIM INJUNCTION**

BEFORE THE HON'BLE SUBORDINATE JUDGE'S COURT

LA. No.....of 20

In

O.S No.....of 20

IN THE MATTER OF:

A.B

.....PLAINTIFF

VERSUS

B.C

...DEFENDANT

AFFIDAVIT

I, S/o, aged, residing at

The deponent abovenamed hereby solemnly affirms and states as follows:

1. The deponent is the petitioner in the accompanying application and the plaintiff in the suit referred to above and being well-versed with the facts and circumstances of the case, the deponent is fully competent to swear to this affidavit.
2. The suit is filed, *inter alia*, for a decree for permanent prohibitory injunction restraining the respondent from disposing of the suit property, bearing no , during the pendency of the suit.
3. On....., the respondent had agreed to sell the aforesaid property to the deponent, for a sum of RsFurther, on, a sum of Rswas paid to the respondent by the deponent as earnest money and the respondent promised to handover the possession of the said premises to the deponent on..... However, when the deponent visited the respondent on the said date, the respondent categorically refused to sell the suit property to the deponent and told the deponent to regard the agreement to sell the suit property as cancelled.
4. In view of the malicious and dishonest intention of the respondent, the deponent was forced to file the suit referred to above.

5. Further, when the deponent came to know of the respondent's ongoing negotiations with prospective buyers with a view to dispose of the suit property to a third party, the deponent had no option but to file the accompanying application against the respondent.
6. The facts disclosed in the plaint and in the affidavit and the documents produced by the petitioner make it abundantly clear that the petitioner has a strong *prima facie* case.
7. It is respectfully submitted that if this Hon'ble Court grants the injunction sought, the respondent will not be harmed in any manner whatsoever since the respondent always intended to sell the suit property. On the other hand, if the said injunction is not granted in favour of the deponent, the deponent will suffer irreparable injury incapable of being adequately remedied by way of damages as the deponent is presently a tenant in the house bearing noand he has already been asked to vacate the said premises by Therefore, if the interim injunction sought in the accompanying application is not granted by this Hon'ble Court, the deponent and his family will have nowhere to go in.
8. If an *ex-parte* order of injunction is not granted and this Hon'ble Court orders notice in the injunction application, the injunction will be rendered infructuous and the purpose of the suit will be entirely defeated.
9. It is therefore, just and necessary that this Hon'ble Court may be pleased to pass an *ex-parte* order of an interim injunction restraining the respondent herein or his employees, servants, agents or representatives from disposing of the suit property to a third party during the pendency of this suit.

Sd./

Deponent.

Verification

Verified at on this the.....day of20..... 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. It is reminded that language of the affidavit should preferably be in 'first person'.

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