

Precedent No. 25

APPLICATION SEEKING STAY OF EXECUTION PROCEEDINGS

BEFORE THE HIGH COURT OF

(Civil Appellate Jurisdiction)

Miscellaneous Application No.... of 20

(Under Order XLI, rule 5 of the Code of Civil Procedure, 1908.)

In

First Appeal Noof 20

IN THE MATTER OF:

A.B

.....APPLICANT

VERSUS

B.C

.....RESPONDENT

AFFIDAVIT

I , S/o , aged years, presently and permanently residing in.....

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

1. That, the deponent is appellant in the abovementioned Appeal and the applicant/petitioner in the Application referred to above. Being well conversant with the facts and circumstances of the present case, the deponent is competent to swear to this affidavit and will be referred to as the applicant hereinafter.
2. That, the respondent had filed a suit Noof 20.....against the applicant in the Subordinate Court offor recovery of an amount of Rs allegedly due from the applicant to the respondent on account of the construction carried on by the respondent for the applicant, with respect to property bearing No
3. That, the suit for the said recovery was decreed by the Hon'ble Subordinate Court on
4. That, the respondent-decree-holder had, on filed an application before the Subordinate Court for execution of the said decree.

5. That, it is most humbly submitted that the applicant runs a small Photostat shop in the front portion of his house bearing Noand is a man of limited means. The applicant also has a very large family consisting of his wife, three children and parents and he is the only bread-winner of the family.
6. That, if the aforesaid decree is executed pending the disposal of the appeal, the applicant will be put to great inconvenience and hardship, as it would become next to impossible for him to maintain his large family.
7. That, in view of the aforementioned circumstances, it is just and necessary that this Hon'ble Court may be pleased to stay all proceedings in execution of the decree dated..... passed by the Subordinate Judge's Court,O.S. Noofuntil the appeal is finally disposed of.

Sd/J

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 be avoided and only facts be stated.