

Precedent No. 33

**COUNTER-AFFIDAVIT: UNDER ORDER XI, RULE 13 OF THE CODE OF CIVIL
PROCEDURE, 1908**

BEFORE THE HON'BLE SUBORDINATE JUDGE'S COURT

IA NO..... of 20

In

O.S. Noof 20

IN THE MATTER OF:

A.B

.....PLAINTIFF

VERSUS

B.C

...DEFENDANT

COUNTER-AFFIDAVIT

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

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

1. That the deponent herein is the respondent in the accompanying Application and the defendant in the Suit referred to above. The deponent is well conversant with the facts and circumstances of the present case and stands competent to swear to this affidavit. The deponent will be referred to as the respondent hereinafter.
2. By the I.A. No, the petitioner has requested this Hon'ble Court to direct the respondent to produce certain documents.
3. It is respectfully submitted that the respondent is not at all in a position to produce the documents relating to the matter in question in the suit referred to as sought for in the application mentioned above.
4. It is further submitted that the respondent has an objection to produce the said documents on the following grounds:
 - (a) The petitioner himself is in possession of the duplicate certified copies of the aforesaid documents, which he can conveniently produce.
 - (b) The original documents 1, 3, 6, 8, 9 called for are to be kept with the respondent and made available for perusal of the other shareholders of the property who have been allotted shares by virtue of the said documents.
5. Further, the respondent does not have the possession of a number of documents listed in the application referred to above, namely the documents Nos. 1, 2, 4, 5. These documents have been already taken away by the petitioner which fact has been dishonestly and fraudulently suppressed by him in his application, making him liable to be penalized.
6. In view of the aforementioned facts and circumstances, it is just and necessary that this Hon'ble Court may be pleased to disallow the above said application of the petitioner.

Sd/J

Deponent

Verification

Verified aton 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 theday of , 20....

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer should be avoided to the possible extent.