

9. Judicial and Administrative Framework

Imp ✓ difference between appeal Review and Reference appeal

① A power of review not to be confused with appellate power which may enable an appellate court to correct all manners of errors committed by sub-ordinate court

② Application for review is more restricted than of appeal

Supreme court in *Lily Thomas vs Union of India* held that power of review can be exercised only for correction of mistake and not to substitute a view

③ Once review petition is dismissed no further petition of review can be entertain

④ when appeal has been preferred a review application does not ~~lie~~ lie.

⑤ but an appeal may be file after an application for review

* Revision (CPC)

High court satisfy ~~himself~~ itself on three matters

① Order of Sub-ordinate court is within its jurisdiction

② cases is one in which court ought to exercise jurisdiction

③ court has not acted illegally

E-courts National Portal - E-courts.gov.in was launched on 7th Aug. 2013 by chief justice of India.

this portal serves as centralised Platform for more than 2854 districts at taluka courts complexes, providing case status, cause list in many cases uploading

Portal currently holds data for over 6.21 M High court cases and 44.41 M District Court cases

E-courts Services

Services of Supreme court are also available on the website

<https://www.main.sci.gov.in>

- Cause list
- Latest updates
- Latest Judgement
- Listing notices
- E-SCR
- Online appearances
- Online hearing

Consumer Forum/Commissions

The Consumer Protection Act, 2019 stipulates that every complaint shall be disposed of as expeditiously as possible and endeavour shall be made to decide the complaint within a period of 3 months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within 5 months if it requires analysis or testing of commodities.

The act also provides the consumer to the option of filing complaint electronically. To facilitate consumers in filing their complaint online, the Central Government has setup the E-Daakhil portal, which provides a hassle-free, speedy and inexpensive facility to consumers around the country to conveniently approach the relevant consumer forum, dispensing the need to travel and be physically present to file their grievance. E-Daakhil has many features like e-notice, case document download link & VC hearing link, filing written response by opposite party, filing rejoinder by complainant and alerts via SMS/Email.

Presently, Facility of E-Daakhil is available in 544 consumer commissions, which includes the national commission and consumer commissions in 21 state & 3 UT's.

To provide a faster and amicable mode of settling consumer disputes, the act also includes reference of consumer disputes to Mediation, with the consent of both parties.

Supreme Court

Supreme Court may exercise extraordinary jurisdiction to hear any appeal related to any matter for which any court or tribunal had decided with judgement through the option of special leave petition except the tribunal related to arms force.

Review under section 114 OF CPC

Any Person considering himself aggrieved

- ① By decree or order from which an appeal is allow, but no appeal has been preferred.
- ② by decree or order from which no appeal is allow.
- ③ By decision on a reference from court of small cause may apply for review of judgement through court.

Reference under sec. 113 OF CPC

In making reference judge shall confirm certain requirements

- ① Drawing up statement of facts
- ② Stating the point on which doubt is entertain
- ③ Stating his opinion on such point

a reference by civil court shall not be made until

Parties had an opportunity of showing cause against such reference.

Court making reference shall give notice to party and give reasonable time to party to appear in the high court and shall be date of not less than one month.

11.

Art of Advocacy and Appearances* Etiquettes when attending hearings

According to clause (7) of ICSI (guidelines for attire and conduct of Company Secretary for 2020)

all member appearing before quasi-judicial body shall endeavour to adhere to the following

- a. do not enter court room chewing gum, battle leaf, tobacco, Gutkha or pan masala
- b. do not enter court room in an inebriated state,
- c. Switch off all mobiles and other beeping devices, put them on silent mode before entering court room as this may disrupts the proceeding.
- d. enter court room silently and bow to judges as a sign of respect before proceeding to your seat
- e. silence must be observed at all time during the hearing
- f. ensure that all loose seat of papers are securely fastened, Indexed and tagged So as not to waste the time of court locating the documents.

- g. behave in polite and courteous manner ^{with} ~~in~~ all present in the court room and maintain decorum
- h. do not ~~capture~~ attempt to capture photographs or audio/video
- i. as a sign of courtesy to the judge bow to the judge just before leaving the court room.

General Etiquettes

1. turn off mobile phone ~~in~~ or put it in a silent mode.
it is considered extremely impolite to allow a mobile phone to ring during a meeting and take call while sitting in a meeting if it is very urgent it is best to excuse yourself from meeting and take out into the hall or private area
2. In a meeting room always stand up to greet the seniors if they arrive after you.
3. try to ignore and overlook funny and embarrassing sound while in a meeting
4. If you forgotten somebody's name ask her/him politely
5. always keep a comfortable ^{distance} while conversing with others
6. Avoid sitting or standing too close to other person.

(given by defendant)

* Arguments on Preliminary Submissions:

- ① Preliminary Submissions should primarily confine to the true & correct facts regarding issue involved and facts that has been suppressed or not disclosed by opposite party.
- ② It should show that relief claimed by opponent is not eligible to be granted.
- ③ objection can be raised in preliminary submission
Such as
→ claim being barred by limitation
Such type of objection should be duly supported by law on the point as by relevant case law.

* Arguments on Merits

- ① Argument related to facts pleaded by parties are termed as arguments on merit.
- ② while addressing the arguments on merit an authorise representative should carefully pointout pleadings & relevant evidence. contradictions should be duly pointed out
for example - where contract of service is pleaded and there is no evidence in support of such contract. it should be specifically pointed out.
also when notices alleged to be served but there is no documentary evidence it should also be pointed out.

* Closing Argument

Closing Argument are very important stage for hearing it requires a professional to present before the tribunal.

effective closing Arguments can turn the case around in case of doubts in mind of members of tribunal. therefore

closing argument should be made with extra caution and preparation.

* Other Important Points

- Make a note of all Important points and ensure the coverage of all the points during the hearing.
- Keep the sufficient copies of the material you want the tribunal to reply such as copy of act, cases etc.
- Understand the intention of client for filing the case and act accordingly
- Take advice from the client with respect to all possible relief he may agree
- Keep the record of all hearings and maintain a diary in this regard.

10. PLEADINGS

Plaint & written statement

Presentation

→ Every suit shall be instituted by presenting of Plaint in duplicate to the court or such officer ^{as it} appoints in this behalf.

→ Summons will be issued to defendant to appear and answer the claim and to file the ~~st~~ written statement of his defence.

Pleading Intro

→ Pleading serves as foundation of any litigation it should be carefully drafted. any material omission shall lead to serious consequences.

→ Once pleadings are established, parties are not permitted to be debarred from the points and issues raised.

→ Parties may seek courts permission to amend the pleadings.

Importance of Pleadings

- Art of Pleadings is at least as important as duty of an advocate
- Pleading is considered to demand a high degree of skill
- Crafting effective pleadings requires not only legal knowledge but also ability to present a case in clear manner
- no relief can be granted based on a ground that is not set out in the pleading
- legal grounds may be allowed to be raised at a later stage but grounds based on question of fact or mixed question of law and fact cannot be allowed
- Findings based on no pleading and no evidence cannot be sustained.

Example (Rule of Pleading)

Plaintiff in personal injury case may Plead that defendant's action were both negligent and Intentional, allowing the court to consider alternative legal ~~theory~~ theories.

example (Rule of Proof)

In contract disputes if a parties pleads breach of contract substantive law may require specific element such as a valid contract, breach of its terms and resulting damages. Party must provide evidence supporting each of these elements to succeed in proving the breach.

Fundamental Law of Pleadings

- It is a rule to observe in all courts that a party complaining of any injury and suing for redress can recover only 'Secundum allegata et at Probata' which means according to what is alleged & proof.

Rule 1 Facts and not Law

- Pleading should contain statement of facts and not legal inferences or conclusions.
- It is duty of a pleader to present the facts upon which they rely leaving the judge to draw legal inferences.
- Judge is responsible for applying the correct law and making legal conclusions based on presented facts.
- Parties should state facts from which legal conclusions may logically follow.
For example - Ascertaining an act is unlawful and or claiming negligence should be supported by specific facts rather than making legal assertions.
- In declaratory suit stating oneself as legal heir is insufficient. A plaintiff must present specific facts establishing the relationship.
- In money suit ascertaining entitlement to money is not enough. Plaintiff must state the fact supporting their claim, loan details, interest and defendant's refusal to pay.

- In matrimonial petition it is not enough to state that respondent is guilty of cruelty towards petitioner that wife and that she is entitled to divorce. She must state that her husband is drunkard and comes home fully drunk in a state of intoxication and cause physical injuries on her.
- She should specify dates on which incidents took place
- In a negligence in damage suit merely stating negligence is insufficient. Plaintiff must first establish the defendant's duty and then provide facts showing how defendant was negligence.
- Omitting relevant facts renders pleading defective. Failure to state all facts may result in rejection of Pleading for not disclosing a ^{cause} ~~clear~~ cause of action.
Example - In a suit for recovery of money for good sold defendant should not just take the plea that he is not liable. In such a case defendant must clearly state that he did not purchase any goods from the plaintiff nor was there an agreement to do so he may also state that though the goods were sent to him but he did not take the delivery.
- In defamation suit merely stating defamation is an inadequate. Plaintiff must provide specific facts about defendant's action including exact words spoken and their impact.

the rule that every Pleading must state facts and not law is Subject to the following exceptions

1. Foreign law
2. Customs
3. mixed question of law and fact
4. Legal Pleas
5. Inferences of law

lec.3

Rule-2 Material Facts

- Material Facts are primary or basic facts which must be pleaded by the plaintiff or by defendant in support of the case setup by either him to prove his cause of action and defence.
- Material Facts are necessary for supporting a party's right in judgement to court.
- Every fact forming the cause of action or defence is considered a material fact
- Pleading should contain only statement of material facts
- unnecessary or irrelevant facts should be omitted to avoid confusing Pleadings
- the determination of materiality depends on whether the fact is direct or immediate bearing on case
- lawyer must weigh each fact, considering its significance & relevance to the case.

- elimination of irrelevant fact is essential for a concise and effective presentation of the case
- this rule is embodied in order 6 rule 2 and require that
 - (1) Party Pleading must plead all material facts on which he intent to rely for ~~the~~ his claim or defence
 - (2) he must Plead material facts only
 - (3) every fact on which cause of action or defence is founded is material facts
 - * (4) If Party is uncertain about materiality of a fact, it is better to include it in a Pleading. Failure to Plead a material fact may result in inability to introduce evidence for it at trial

Instances of Material Fact

- In suit for damages for injuries sustain in ^{crash} collision material fact include ~~in~~ setting out circumstances of collision with clarity and accuracy
- Specific acts of negligence which cause collision must be stated
- In suit for ~~the~~ ejectment and Injunction it is material to Plead that defendant's threat and intent to repeat illegal act
- In seeking stay order against demolition Plaintiff must allege ownership proper ^{sanction} ~~sens~~ ~~sanction~~ of map and Plans and undisturb possession of government land for over 12 years

- In suit for defamation, material facts include words which were intended to defame the Plaintiff or were so understood by the Public
- If words are ambiguous, then innuendo must be Pleaded
- When claiming a benefit under special rule or custom party must allege all facts bringing the case within ambit of that rule or custom
- In case of Sale deed it is necessary to mention Particulars of property sold, date of sale deed and its proper registration

Facts that are not material

- (1) In a suit on a promissory note stating that Plaintiff requested defendant to make the payment and he refused is not material because in case of promissory note no demand is necessary, when the note becomes due it is payable immediately.
- (2) In sale of goods case stating that goods belong to Plaintiff and goods were sold to defendant on belief that he would honestly make the payment is not material.
- (3) General manager & damages are presumed that not to be pleaded but special damages must be alleged and proven at trial

② Exception to this rule

- ① Condition Precedent → the performance or occurrence of any condition precedent need not be pleaded as its averments shall be implied in the pleading, but where a party chooses to contest the performance or occurrence of such condition, he is bound to set up Plea distinctly in the Pleading

example - X agrees to build a house for Y at certain rate.

a condition of the contract is that Payment should only be made upon the certificates of Y's architect that _____ amount is due. If X desires to file a suit for money against Y, the obtaining and presenting of certificate from Y's architect is condition precedent to X's right of action. here it is not necessary of X to state in his Plea that he has obtained the said certificate. he can draft a plea showing a good prima facie right to agreed amount without mentioning any certificate. It will be for Y to Plead that architect has never certified that amount is due.

- ② Presumption of Law - In a Promissory note case Plaintiff need not allege consideration as the law presumes it in their favour, neither party needs to allege any matter of fact that law presumes in their favour, burden of proof lies upon the other side

- ③ Matter of Inducement → facts that are merely introductory stating name, relationship, professions and circumstances necessary to inform the court about how dispute arose are considered matter of Inducement. these facts are tolerated in Pleadings. these facts are not material but helps court to understand the context of the case.

Rule 3. Facts not evidence

- third fundamental rule of Pleading states that only facts and not the evidence should be stated in the pleadings. Order 6 Rule 2 of CPC emphasises that every pleading should contain a statement of material fact for which party relies for its claim or defence but should not include the evidence by which these facts are to be proved.

Issue (a) Facta Probanda - the facts which are to be proved, are fact of Probanda, these are facts on which party relies are ought to be stated in pleading.

evidence (b) Facta Probantia - these are facts by which Facta Probanda are proved. they are not to be stated as these facts are the evidence. to the facts by which Facta Probanda will be proved is Facta Probantia.

Example - A was married to B in accordance with particular custom governing their marriage.

In the Pleading it is sufficient to allege that marriage was celebrated in accordance with particular custom. this is material fact, (Facta Probanda).

at a evidence stage, the reference to the manual of customary law which records custom would be sufficient to prove the custom this is the evidence (Facta Probatia)

Rules under CPC with help of Illustration.

1. Mental Condition → Order 6 Rule 10 clearly says that wherever it is material to allege fraudulent intention, it shall be sufficient to allege same as fact without setting out the circumstances from which the same is inferred. So if defendant is cheated the plaintiff it is not necessary to Plead how the defendant is cheated how part is ~~evidentiary~~ and should not be Plead evidentiary
2. Notices Order 6 Rule 11 emphasizes when its crucial to allege a notice to a person about fact, stating the notice as a fact as usually sufficient.
Example - In Property dispute Plaintiff could state - the defendant had notice of breach of trust when trustee wrongfully transferred the trust property to him.
3. Implied Contract or Relation → Whenever any contract is implied it shall be sufficient to allege such contract referring to letters conversation or circumstances without setting them out in detail
example → In shipping dispute Plaintiff might Plead that upon acceptance of goods for carriage and issuance of the receipt and implied contract for transportation was formed.

4. Presumption of law

Neither Party need any Pleading in any matter of fact that laws Presumes in his favour

Exception

1. writ Petition
2. election Petition

Rule 4 Facts to be stated concisely & Precisely.

It should be divided in Paragraphs, date, number, words should be mentioned.

Following Points should be kept in mind while drafting Plaintiff Pleading.

1. Name of Person and Places should be accurately given
2. Facts should be stated in active voice and not passive voice
3. Pronoun like he, she or that should be avoided as possible
4. Plaintiff and defendant should be referred not by their names. It is better to use the word Plaintiff or defendant
5. Where an action is found on some statute the exact language of statute should be used

6. Every Pleading shall be divided into paragraph, numbered consecutively
7. Date, sums and numbers shall be expressed in Pleading in numbers as well as in words

PlaintSuit for ejection and Arrears of Rent

In Court of Small Cause, Pune

Suit no. — of —

AB Son of CD resident of Pune

Plaintiff

Versus

PQ Son of RS age 30 resident of Pune

Defendant

Suit for Ejection and arrears of rent

The above named Plaintiff states as follow

- 1) That the Plaintiff is owner of house no. 69 Shantinagar Pune and bounded as below

Boundaries of house .

- - - - -

- 2) That under verbal agreement made on 25th May 2021, the defendant became a monthly tenant to Plaintiff in respect of house described in para 1. for a monthly rent of Rs. 10,000 p.m. and has been in occupation of said house since the date of agreement

- 3) That defendant has not paid the rent from September 1, 2021 or any part thereof

- 4) that the Plaintiff served a notice to defendant personally on 1 Dec. 2021, asking to quit the said house within 30 days and pay arrears of rent from 1 Sep 2021. ~~defon~~ defendant neither vacate the house nor he paid the rent. Hence defendant is liable to ejectment under Sec. 20 of MH Act. (UP Act)
- 5) that now total sum of Rs. 60,000 due ~~to~~ to Plaintiff as against the defendant on account of arrears of rent from 1st Sep. 2021 - 28th Feb 2022 and Rs. 20,000 on account of damages ~~for~~ from use and occupation of said house from 1st december 2021 to date of filing suit.
- 6) that cause of action arose on 1st Jan 22 under when notice expires.
- 7) that defendant resides at Pune within the jurisdiction of court.

Wherefor the Plaintiff claims

a) that the decree for ejectment of defendant from the said house, be passed in favour of Plaintiff

b) that the decree of Rs. 60,000 on account of arrears of rent from 1st Sep to 28th Feb be passed in favour of Plaintiff

(c) that the decree for Rs. 20,000 on account of damages for illegal occupation from 1st Jan 22 be passed in favour of Plaintiff.

Place _____

CD

Date _____

Plaintiff

through

Advocate _____

Verification

I, CD, Plaintiff Do hereby verify that contents of all paragraph of above plaint are true to my personal knowledge.

Signed and verified this 11th day of _____ 2022 at Pune

(Court fees —)

CD

Plaintiff

- Striking out Pleadings (always applied by opposite Party)
- It is no difference to an application to strike out (rude) impertinent matter
- When parties file an application to strike out ^{an} impertinent matter, they are essentially asking the court to remove or ~~disregard~~ disregard portions of pleading that are not directly relevant to issuing dispute
- Court may provide an opportunity for pleading to be amended to address deficiencies.
- Amendment of Pleading
- Courts and tribunals are established to do justice between the parties and they should operate within the statutory limitation
- discretionary jurisdiction of tribunals to amend Pleadings is same as of civil court that
- Principles governing amendment in civil suit should guide the exercise of power of amendment by tribunal
- * Normally parties are not allowed to use an amendment to introduce an entirely new case however if the proposed amendment does not amount to a new cause of action but is an alternative approach to the same fact it may be allowed even after statutory period has expired.

- Courts generally grant leave ^{to} ~~the~~ parties to amend the pleading, negligence ~~an~~ or carelessness on the part of the party may be considered and even late amendments may be allowed if they do not cause injustice to the other side.
- Court may allow an amendment after limitation period has expired if it determines that omission was bonafide mistake on part of Plaintiff. This rule of amendment is portrayed as rule of justice, equity and good conscience.
- Amendment can be allowed at any stage if amendment to introduce new cause of action it is to be considered on the basis of fact and circumstances of each case.

Written Statement

- Before drafting the written statement it is essential for pleader to carefully examine the plaint, if any particulars are missing defendant can request the plaintiff to furnish them before filing the written statement.
- If there are several defendant's with same defence, they may file a joint defence.
- If defence are different, separate written statements are filed.

Body of written Statement

- Defendant can adopt various forms ^{of defence} simultaneously
for example
In a bond suit defendant might deny execution, challenge the absence of consideration or argue against validity of Plaintiff's right to sue
- It is Important to raise all defences in first instance
Failure to do so might result in defendant being disallowed from advancing certain defences at later Stage

Peremptory Pleas

Peremptory Pleas or Pleas in bar refer to defences that go to the fundamental and substantive issues of the case.

Example → Plaintiff does not disclose a valid cause of action or it is barred by law.

So these are the defences which challenge the legal foundation of plaintiff's case.

5. Setoff & Counterclaim - way of

Claim of a by setoff is allowed if following conditions are satisfied.

- 1) Sum claimed must be ascertained sum of money.
- 2) It must be legally recoverable.
- 3) It must be recoverable by the defendant.
- 4) It must be recoverable from the plaintiff.
- 5) The sum claimed by the defendant must not exceed pecuniary limits of jurisdiction of court.

Drafting of written statement → Important considerations

- 1.) One has to deny the averment of Plaintiff/Petitioner so specific denial is essential. If not denied specifically, it is presumed to have been admitted.
- 2.) Draft replies to each paragraph of Plaintiff.
- 3.) Annex relevant invoices, challans, documents, while drafting reply to specific paragraphs.
- 4.) Number pages of reply in its annexure.
- 5.) Avoid omitting important points in reply as there is limited provision for amending pleadings.
- 6.) Pleadings shall not allege matter of fact presume in their favour.
- 7.) When alleging fraud, undue influence, provides specific particulars in the pleading.
- 8.) Plaintiff or reply if not filed by duly authorised person, it is liable to be dismissed. However, at time of filing petition if pleading are signed by person not authorised, the same could be ratified subsequently.

→ Writ Petition

→ Supreme Courts & High Court are authorised to issue 5 type of writ under article 226 & 32 & 226.

In fact under article 32 supreme court can empower to any other courts to issue writs.

the concept of writs has been taken from England where it is known as prerogative writs.

	Writs under article 32	Writs under article 226
① Types of writs	Article 32 is a fundamental right	Article 226 is a constitutional right
② Suspension of articles	Article 32 can be suspended if President declares emergency	Article 226 cannot be suspended during emergency.
③ Territorial Jurisdiction	Supreme court can issue writ across India	High court can issue writ exclusively in its own jurisdiction ^{local}
④ dismissal	Article 32 is a basic right S.C. cannot dismiss it	It is a discretionary power of H.C. to decide whether to issue writ or not
⑤ Scope	Article 32 is applicable, only when fundamental right is violated	It applies not only to violation of fundamental right but also to violation of legal right.

Written Statement

Suit for ejection and arrears of Rent
In the court of Small cause, Pune

Suit no. — of —

AB son of CD resident of Pune

Plaintiff

Versus

PO son of RS, resident of Pune

(Defendant)

Written statement of behalf of defendant to the suit for
ejection and arrears of rent

the above name defendant states as follow.

1. that the defendant admits facts stated in paragraph 1 of Plaint.
2. that the defendant admits the fact that they were entered into the verbal agreement and agrees for the monthly rent of Rs. 10,000.
3. that the defendant denies the fact stated in paragraph 3 that he honest paid the rent from 1st Sep. 2021.
4. that the defendant denies the fact that the plaintiff has served the notice personally on 1st dec. 2021

5. that the defendant denies the fact as stated in paragraph 5 of the plaint
6. ~~that the~~ defendant denies the fact as stated in paragraph 6 of the plaint
7. that the defendant admits the fact that he resides at pune within the jurisdiction of court.

Additional Plea

8. that defendant has ^{attempted to pay} ~~paid~~ rent from 1st sep. 2021, but plaintiff refused to accept it.
9. that there is no ground for granting relief prayed by plaintiff and suit should be dismissed with cost to plaintiff.

SLP (Special Leave Petition)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Under article 136 of constitution of India

IN THE MATTER OF _____

ABC Ltd company registered under comp. act. 2013 having
its registered office at Pune.

Petitioner

Versus

Government of Maharashtra

Respondent

To honourable chief justice of India and his companion
justices of supreme court of India,

the humble petition on behalf of petitioner named

Most respectfully sheweth

1. that present special leave petition is filed against judgement and order dated 4th June 2022 passed by division bench of honourable court of Jabalpur whereby petition was dismissed.
2. Question of law - whether acquisition of property by respondent is colourable exercise of power and abuse of power.

classmate
Date _____
Page _____

copy of order of high court attached in Annexure 1

Grounds

that present special leave petition ^{is} ~~was~~ filed because acquisition of land was made by respondent for private company and not for public purpose.

Prayers

In view of facts and circumstances as mentioned above it is most humbly prayed that this honourable court may grant -

- 1) Special leave to appeal against order passed by division bench of honourable high courts.
- 2) Pass such other orders as this honourable court may deem fit and proper in interest of justice.

Filled by Advocate
& for Petitioner

Appeal

IN THE HIGH COURT OF _____ AT _____

CIVIL APPELLATE JURISDICTION

IN THE MATTER OF

Appellant

Versus

Respondent

May it please the Hon'ble chief justice of High court
of _____ and his lordship's companion Justices,

MOST RESPECTFULLY SHOWETH -

1. that the appellant is engaged in business manufacturing of shoes.
2. that the respondent sells the goods manufactured by appellant.
3. that the agreement was reached between the parties in writing where it was decided that appellant will supply goods of ₹ 30 lakhs to respondent that appellant supplied the goods & a respondent made payment of ₹. 6 lakh and agreed to pay remaining amount within one month.

4. that remaining amount of Rs. ~~30~~ 24 lakh was not paid on due date of one month.

5. that appellant filed for suit for recovery of Rs. 24 lakh with interest of 12% p.a.

6. that parties laid evidence & after hearing learned district judge dismissed appellant suit on ground that evidence laid by appellant (plaintiff) does not establish a claim

⑦ Copies of decree and judgement are attached as on annexure

⑧ aggrieved by aforesaid judgement & the decree of court this appeal is hereby filed on following grounds -

(a) that Judgement and decree under appeal are erroneous both on fact as well as ~~fact~~ law

(b) that sufficient evidence laid by plaintiff to prove the issue raised.

(c) that learned trial court as fail to properly appreciate the evidence.

In the above facts and circumstances appellant prays that appeal be allowed, the judgement & decree passed by district judge be set aside

and decree Prayed by appellant be passed together with up to date interest and cost of both course.

Verification

Verified at _____ on this _____ the _____ day of _____ 20____
that the contents of the above appeal are correct
to the best of my knowledge & belief

~~th~~ THROUGH

APPELLANT

★ ★ ★
★ ★ ★
(MP)
Affidavit

BEFORE NATIONAL COMPANY LAW TRIBUNAL
Mumbai Bench

In the matter of companies act, 2013
AND

In the matter of Liquidation of A Ltd.

I, Chiku, aged — daughter of Shree CB resident of —,
do hereby on Oath State as follow:

1. the above named company was on 10th day of may 2020.
the date of the order of winding up the same and
still is justly and truly indebted to me in the
sum of Rs. — on account of loan for
financial blockage.
2. that in proof of aforesaid debt I attached documents
marked as A, B and C.
3. that, I have not received nor any person to my
knowledge has received any part or any instalment
as principle.
4. that this affidavit is true and it conceals nothing and
no part of it is false.

Date

Chiku
deponent

Verification

I, the above-named deponent, verify the contents of this affidavit are true to my personal knowledge.

Date _____

Chiku.

Solemnly affirm before me on Thursday 11th day of May by deponent before me.

Oath commissioner.

Writ Petition

In the high court of _____ at _____
civil original (extraordinary) Jurisdiction
civil writ Petition no. _____ of 2024

In the matter of
K S/o _____ R/o _____ former employee (Inspector grade 1)
in respondent company
Petitioner
versus

1. XYZ company wholly owned by govt. of India having its
registered office at _____ through its chairman

2. MD of above company

Respondent

Civil writ Petition against order dated _____ passed by MD
respondent no. 2 having herein, by which services of
the petitioner as an employee of the respondent
company have been terminated.

May it Please the honorable chief justice of high court
of _____ and his lordship companion judges.

The Petitioner

Most respectfully Sheweth!

1. that the Petitioner is citizen of India and entitled to
enjoy all rights guaranteed under constitution of
India.

2. that respondent no.1 company, registered under companies act 2013, having its registered office at Mumbai and fully owned by govt. of India, thus an instrumentality of State under Article 12 of constitution of India.
3. that Petitioner was employee of respondent company appointed as Sub Inspector Grade 1 and has earned the promotion also.
4. that on 1st april 2022 respondent no.2 issued a impugned order on terminating the service of Petitioner impugned order is attached as Annexure-1.
5. that impugned order was issued on basis of alleged misconduct but no inquiry has been made before passing the order.
6. that Petitioner states that he has not committed any act which could be termed as misconduct.
7. that Petitioner objecting impugned order on following Grounds.
 - 1) that Petitioner being permanent employee of respondent company cannot be removed without holding an enquiry
 - 2) that Principle of natural justice have been contravened by respondent by not giving opportunity of being heard.

impugned

that impugned order is not a speaking order.

ये
बाव में

that Petitioner has not filed any other petition relating to this matter in any other court.

ये पक्ष
विधना
में

that impug. impugned order is arbitrary and contravene article 14, 16, 21 of Constitution of India.

Prayer

The Petitioner prays that directions and form of writ of mandamus to be issued quashing the impugned order and reinstating the Petitioner in service with all benefits ~~in~~ including back wages.

Appeals

In the high COURT OF _____ AT _____

CIVIL APPELLATE JURISDICTION

IN THE MATTER OF

_____ Appellant

Versus

_____ Respondent

May it Please the Hon'ble chief justice of high court of _____
and his lordship Companion Justices,

MOST RESPECTFULLY SHOWETH

1. That the appellant is engaged in business of manufacturing of _____
2. That the Respondent sells the goods manufactured by appellant.
3. that the agreement was reached between the parties in writing where it was decided the appellant will supply goods of ₹ 30 lakhs to respondent that appellant supplied the goods & respondent made payment of Rs. 6 lakhs and agreed to pay remaining amount within one month.
4. that remaining amount was not paid on due date of one month.
5. that appellant filed for suit for recovery of Rs. 24 lakh with interest of 12% p.a.

6. that Parties led evidence after hearing learned district judge dismissed appellant suit on ground that evidence led by appellant (Plaintiff) does not established a claim.
7. Copies of decree & Judgement are attached on Annexure.

Aggrieved by the aforesaid judgement & the decree of Court their appeal is hereby filed on following-

Grounds -

- 1) that Judgement and decree under appeal are erroneous both on the fact as well as law -
- 2) that Sufficient evidence led by Plaintiff to prove the issues raised.
- 3) that learned trial court as fail to properly appreciate the evidence
- 4) In the above facts & circumstances appellant prairie that this appeal be allowed, the judgement and decree passed by district judge be set aside and decree prairie by appellant be passed together with up to date interest and cost of both courts.

Verification

Verified at _____ on this _____ the _____ day of _____ 20____ that the contents of the above appeal are to the best of my knowledge & belief.

THROUGH

APPELLANT



Notice of Ejectment

THROUGH ADVOCATE

Section 106 OF TRANSFER OF PROPERTY ACT, 1982

Advocate Name _____

Address _____ P.No. _____

Date _____

To,

^{pital}_{words} → Subject - Notice under Sec. 106 OF TOPA, 1882 .

Dear Sir,

Under the Instructions of from and on behalf of my
client _____ S/o _____ R.O. _____

(herein after called as client) I serve you with
following notice

- 1) That house bearing no. _____ at situated at _____ city
is owned by my client and you approached my
client to give said property on lease to you for
which my client agreed.
- 2) That agreed rent for said property Rs. 10,000 p.m.
- 3) On an from _____ day from of _____ month tenancy
agreement shall terminate in all relationship of
landlord and tenant between my client and you
shall absolutely ceased.

4) that you are requested to deliver vacant possession of said premises on date as stated above

5) In case of your failure to quit the premises you will be consider as a trespasser and ejected in due course of law. and you will have to pay damages at rate of Rupees 500 per day until you are evicted.

Yours Faithfully
~~THROUGH~~ ADVOCATE

LEGAL NOTICE

Filled by Vendor For Payment of
Immovable Property

Ref. no. _____

Date _____

Subject - LEGAL NOTICE

To,

Dear Sir/Madam,

Pursuant to Instructions from and on behalf of my
client _____, resident of _____ I do hereby
serve you with the following legal notice -

- 1) that my client had entered into an agreement
of sale dated _____ with you for consideration
of Rs. _____
- 2) that according to clause _____ of the agreement said
transaction to be completed within _____ month of
the said agreement.
- 3) that my client was and is still willing and ready
to execute a sale deed in your favour or in
favour of any person as you may direct in

accordance with the terms of the said agreement,
but it couldn't be done because of the default of
the payment.

I hereby call you to have a deed of conveyance
against payment of balance of consideration money
on or before — day of —. Failure to comply
will result in cancellation of agreement and
forfeiture of earnest money.

Any cost, damages, losses ~~for~~ or expenses incurred due
to your default will be paid.

Please act Promptly to Fulfill your obligation

Advocate

Board Resolution For Declaration

of Interim Dividend on equity share

~~an accordance with Provision of sec. 213 ^{other} and applicable~~
"RESOLVED THAT ~~an~~ Interim dividend of Rs. _____

"RESOLVED THAT Pursuant to companies act sec. ¹²³ ~~213~~ or
other provisions of companies act 2013 and rules
made thereunder, Board of Directors of company
hereby ~~recommend~~ ^{declare interim} dividend of Rs. _____ (@ of _____ %)
per equity share out of the profits of the company
For half year ended _____ to members whose
name appears on register of members on _____ day
of _____ being record date.

Seperate bank account to be opened _____ bank
at its branch _____ and sum of Rs. _____

to be deposited within 5 ^{days} ~~years~~ from declaration date.

Mr. A Director, Mr. B company secretary are authorise
to open bank account, complete formalities, and arrange
for payment of interim dividend within 30 days and
to do all such act and matters in this regard.

Mr. A director and Mr. B CS are authorise to jointly
signed dividend warrants and Bank is authorise to
honour them ~~before~~ ^{upon} presentation."

approval of
Board Resolution for Filing of CSR 1

sec. 135 of

"RESOLVED THAT Pursuant to companies act 2013 read with relevant rules of companies, corporate social responsibilities rules 2014, approval of Board of Director be and ^{as} hereby accorded for filing e-form CSR 1 on behalf of the company on portal of MCA govt. of India.

FURTHER RESOLVED THAT Board of director do hereby take on record valid registration certificates granted under sec. 12A and Sec. 80G of Income tax Act 1961 for purpose of receiving CSR funds and for filing e-form CSR 1

RESOLVED FURTHER THAT Board of Director be and hereby authorise to do all ~~act~~ such deed things and matters required in this regard.