

IN THE HON'BLE COURT OF Ms Z,  
TIS HAZARI COURTS, WEST DISTRICT.  
CS No. xxxxx/2020

IN THE MATTER OF:

A .....PLAINTIFF  
Vs.  
B .....DEFENDANT

N.D.O.H:xx/xx/xxxx

EVIDENCE BY WAY OF AFFIDAVIT OF PLAINTIFF WITNESS No. 1 (PW-1), A.

I, A, aged xx, S/o, (Address)\_\_\_\_\_do here by solemnly affirm and declare as under:

1. That Deponent is a Plaintiff in the above said suit and, being conversant with the facts of the present case, is competent to swear the present affidavit as plaintiff witness.
2. That Deponent and Defendant are real Brothers and were residing jointly along with their mother till xxxx.
3. That it is also pertinent to mention that Defendant was absolute owner of the property measuring ... Sq. Yards situated \_\_\_\_\_(Address)\_\_\_\_\_and had purchased the said property on xx/xx/xxxx from xyz.
4. That it is also pertinent to mention that Defendant was in absolute financial crises during the period 20xx-20xx and suffered heavy financial loss due to fire accident over the Suit property in the year 20xxfollowed by fire incident in the shop of the Defendant situated at \_\_\_\_\_ (Address) in the year 20xx whereby all the goods and material were destroyed and damaged.
5. That the Deponent provided financial assistance to the Defendant by reconstruction and repair of his shop.
6. That in the month of July, Defendant and Deponent agreed to settle their accounts and it was proposed by the Defendant to Deponent to purchase his plot of land measuring ... sq yards bearing \_\_\_\_\_(Address)\_\_\_\_\_for Sum of Rupees \_\_\_\_\_(INR xxxxxxxx/-)Only thereby discharging all the liabilities of the Defendant which will be full and final settlement between the parties.

7. That the Deponent accepted the offer and agreed to purchase the aforementioned land from the Defendant.
8. That on xx/xx/xx an agreement to Sell was signed between the Deponent and Defendant for the sale consideration amounting to Sum of Rupees \_\_\_\_\_ (INR xxxxx/-)Only . The entire Sale consideration amount of Rupees \_\_\_\_\_(INR xxxxx/-)Only was paid by the deponent to the Defendant on xx/xx/xxxx and the Defendant also handed over the peaceful possession of the suit property to the Deponent along with the all the relevant documents. It was also agreed that the Defendant shall take necessary NOC required for the registration of sale deed and intimate the same to the Deponent. Copy of Agreement to sell dated xx/xx/xxxx is exhibited as **PW-1/1**.
9. That on xx/xx/xxxx the Defendant signed the payment receipt dated xx/xx/xxxx, after receiving the entire sale consideration for the Sum of Rupees \_\_\_\_\_(INR xxxxx/-)Only.
10. That the Defendant signed General Power of Attorney dated xx/xx/xxxx, Affidavit dated xx/xx/xxxx, Handing over/taking over of the possession Letter dated xx/xx/xxxx and Will dated xx/xx/xxxx in respect of the afore said above land. Copy of payment receipt dated xx/xx/xxxx is exhibited as **PW-1/2**, copy of General Power of Attorney dated xx/xx/xxxx is exhibited as **PW-1/3** ,copy of Affidavit dated xx/xx/xxxx is exhibited as **PW-1/4** , copy of Possession Letter dated xx/xx/xxxx is exhibited as **PW-1/5** and copy of the Will dated xx/xx/xxxx is exhibited as **PW-1/6**.
11. That the above mentioned documents i.e., Agreement to sell dated xx/xx/xxxx, Payment Receipt dated xx/xx/xxxx, General Power of Attorney dated xx/xx/xxxx, Affidavit dated xx/xx/xxxx, Possession Letter dated xx/xx/xxxx was notarised and duly signed by both Defendant and the Deponent.
12. That Defendant gave assurance to the Deponent of obtaining NOC from the revenue department and or other concerned authorities for execution of sale deed within a period of \_\_\_\_\_ months from the time of execution of the aforementioned documents.

13. That the Deponent again approached the Defendant in August 20xx and requested the defendant to obtain NOC from the concerned authority but without any success.

14. That the Deponent served legal notice dated xx/xx/xxxx upon the Defendant when the latter failed to get the NOC issued for the purpose of registration of the sale deed in favour of the former which was replied vide letter dated xx/xx/xxxx. Copy of the legal notice dated xx/xx/xxxx is exhibited as PW-1/7 and the copy of Reply to the said Notice is exhibited as PW-1/8 respectively.

DEPONENT

#### VERIFICATION

Verified on xx/xx/xxxx at New Delhi that contents of the present affidavit were read over to me in vernacular and the contents of paragraphs 1 to 15 are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT