

IN THE COURT OF ADJ, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI  
CIVIL SUIT NO. \_\_\_\_\_/2020

IN THE MATTER OF

...APPLICANT/PLAINTIFF

VERSUS

...RESPONDENT/DEFENDANT

**NDOH: \_\_\_\_\_**

**INDEX**

Serial No.	Particulars	Pages
1.	APPLICATION UNDER ORDER XXXIX RULE 2A CPC, 1908 READ WITH SECTION 151 CPC, 1908 ALONG WITH AFFIDAVIT.	
2.	COPY OF ORDER DATED _____ IS ANNEXED HEREWITH AS <b><u>ANNEXURE P-1.</u></b>	
3.	COPY OF THE SWIFT MESSAGE DATED _____ IS ATTACHED HEREWITH AS <b><u>ANNEXURE P-2.</u></b>	
4.	COPY OF THE EMAIL DATED _____ IS ATTACHED HEREWITH AS <b><u>ANNEXURE P-3.</u></b>	

Filed By:  
Filed On:  
Filed at:

APPLICANT

THROUGH COUNSEL

**NITINYAYA LAW OFFICES**  
**Advocate(s) for the Applicant**  
Chamber No.103, New Lawyers Chambers  
CK Daphtary Block, Tilak Lane  
Supreme Court of India, New Delhi-110001  
Contact no.:09818085505, 011-45009902  
Email id- [info@nitinyaya.com](mailto:info@nitinyaya.com)

IN THE COURT OF ADJ,CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI  
CIVIL SUIT NO. \_\_\_\_\_/2020

IN THE MATTER OF

...APPLICANT/PLAINTIFF

VERSUS

...RESPONDENT/DEFENDANT

**NDOH:** \_\_\_\_\_

**APPLICATION UNDER ORDER XXXIX RULE 2A CPC, 1908 READ WITH SECTION 151 CPC, 1908.**

-----  
**MOST RESPECTFULLY SHOWETH:**

- 1) That the Applicant/Plaintiff herein seeks indulgence of this Hon'ble Court for necessary direction/order with respect to the violation and non-compliance by the Defendant no 2, of the order dated \_\_\_\_\_passed by this Hon'ble Court on the Application under Order 39 Rule 1 and 2 read with Section 151 of CPC, 1908 seeking an order for restraining the Defendants no. 1&2 from raising a demand against commercial invoice dated \_\_\_\_\_for an amount of USD \_\_\_\_\_ under the LC bearing No.\_\_\_\_\_. Copy of order dated \_\_\_\_\_ is annexed herewith as **ANNEXURE P-1.**
- 2) That vide Order dated \_\_\_\_\_, this Hon'ble Court directed the defendant no.2 &3 to maintain status quo with respect to the LC bearing no. \_\_\_\_\_till next date of hearing i.e.\_\_\_\_\_.
- 3) That however even after the court directed to maintain status quo with respect to the LC bearing no. \_\_\_\_\_, the Respondent/Defendant no.2 in violation of the order dated

\_\_\_\_\_ passed by this Hon'ble Court has again raised a demand against commercial invoice dated \_\_\_\_\_ for an amount of USD \_\_\_\_\_ under the LC bearing No.\_\_\_\_\_. That the Defendant No.2 sought confirm acceptance of documents and maturity of the due date from Defendant No.3 vide transmission dated \_\_\_\_\_ , hence the Applicant/Plaintiff is left with no other remedy under law except for filing the present application. Copy of the Swift Message dated \_\_\_\_\_ are attached herewith as **ANNEXURE P- 2.**

- 4) That the Defendant No.3 sent a email to Applicant/Plaintiff and informed the Plaintiff that the Defendant No.2 again raised a demand against commercial invoice dated \_\_\_\_\_for an amount of USD \_\_\_\_\_under the LC bearing No. \_\_\_\_\_. Copy of the Email dated \_\_\_\_\_ is attached herewith as **Annexure P-3.**
- 5) That despite orders of this Hon'ble Court, the Respondent /Defendant No.2 has not complied with the same and has deliberately and wilfully sent a documents for confirm acceptance of documents and maturity of the due date from Defendeant No.3 in order to defeat the interest of Applicant/Plaintiff and caused wrongful loss and should therefore be punished.
- 6) That the Respondent/Defendant no 2 have scant respect for the order passed by this Hon'ble Court. That in any event, the violation of the Respondent/Defendant no 2 is recurring and is a continuing wrong and everyday default and wilful disobedience is ex- facie apparent which is a gross contempt of this Hon'ble Court.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to pass the following orders:

- a) Punish the Respondent no.2/Defendant no.2 for non- compliance of order dated \_\_\_\_\_passed by this Hon'ble Court.
- b) Any further direction and orders as this Hon'ble Court may deem fit and proper under facts & the circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE HUMBLE APPLICANT AS IN DUTY BOUND  
SHALL EVER PRAY

Filed By:  
Filed On:  
Filed At:

APPLICANT  
THROUGH COUNSEL

**NITINYAYA LAW OFFICES**  
**Advocate(s) for the Applicant**  
Chamber No.103, New Lawyers Chambers  
CK Daphtary Block, Tilak Lane  
Supreme Court of India, New Delhi-110001  
Contact no.:09818085505, 011-45009902  
Email id- [info@nitinyaya.com](mailto:info@nitinyaya.com)

IN THE COURT OF ADJ, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI  
CIVIL SUIT NO. \_\_\_\_\_/2020

IN THE MATTER OF

...APPLICANT/PLAINTIFF

VERSUS

...RESPONDENT/DEFENDANT

**AFFIDAVIT**

I \_\_\_\_\_ S/o Sh \_\_\_\_\_ R/o H-46, \_\_\_\_\_ aged \_\_\_ years, do hereby solemnly affirm and declare as under:

1. I say that I am the Applicant in the above captioned application and well conversant with the facts and circumstances of the case and is competent to depose the present affidavit.
2. I say that the accompanying application under order XXXIX rule 2A read with section 151 of CPC has been drafted by my counsel on my instructions, contents whereof are true and correct to my knowledge and the same may kindly be read as part and parcel of present affidavit which for the purposes of brevity are not being reproduced herein.

**DEPONENT**

**VERIFICATION:**

Verified at New Delhi on this \_\_\_day of \_\_\_\_\_20\_\_\_, that the contents of the above affidavit are true to my knowledge, nothing is false and nothing material has been concealed therefrom.

**DEPONENT**

