

IN THE COURT OF MS Z , LD ADJ – 04, EAST DISTRICT,
KARKARDOOMA COURTS, DELHI.

IN
CS (OS) NO – xxxx/xxxx

IN THE MATTER OF:

XPLAINTIFF

VERSUS

Y DEFENDANT

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

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APPLICANT

THROUGH

NITINYAYA LAW OFFICES
Advocate(s) for the Applicant
Chamber No.103, New Lawyers Chambers
CK Daphtary Block, Tilak Lane
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IN THE COURT OF MS Z LD ADJ – XX, EAST DISTRICT,
KARKARDOOMA COURTS, DELHI.

IN
CS(OS) NO – xxxx/xxxx

IN THE MATTER OF:

XPLAINTIFF

VERSUS

Y
..... DEFENDANT

**APPLICATION UNDER ORDER 1 RULE 10 READ WITH
SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908
FOR IMPLEADEMENT AS A PARTY TO THE PRESENT SUIT.**

MOST RESPECTFULLY SHOWETH:

1. That the above captioned matter is pending before this Hon'ble Court and is scheduled for xx/xx/xxxx before this Hon'ble Court.
2. That the Applicant herein is the owner of the property in question forming a part of _____ situated in the area of _____(Old Address)_____ and is presently bearing _____(New Address) falling within the jurisdiction of _____.
3. The details of the Applicant is enlisted below:
Name: X
W/o ABC
R/o_____(Address)_____.
4. That the property in question is having an area of two (2) bighas and was purchased by the Applicant alongwith her mother namely C, W/o D, R/o _____(Address)_____. from one E , S/o F, Resident of

_____(Address) by means of a Sale Deed dated xx __ (month) __ xxxx duly registered on xx __ (month) __ xxxx in accordance with the provisions of the Indian Registration Act, 1908. Copy of the sale deed dated xx __ (month) __ xxxx is annexed herewith as **ANNEXURE A- 1.**

5. That thereafter, a gift deed dated xx.xx.xxxx and agreement to sell dated xx/xx/xxxx was also executed by the mother of Applicant in favour of the Applicant relating to her half share in the property in question as mentioned above. A copy of the Gift Deed dated xx/xx/xxxx is annexed herewith as **ANNEXURE A- 2** and agreement to sell dated xx/xx/xxxx is attached herewith as **ANNEXURE A-3.**
6. That in addition thereto, Smt. C, the mother of Applicant executed a Will dated xx.xx.xxxx in favour of the Applicant relating to her half share in the suit property. This will is duly registered in accordance with the provisions of the Indian Registration Act. A copy of the Will of the mother of the Applicant dated xx.xx.xxxx is annexed herewith as **ANNEXURE A- 4.**
7. That it is relevant to mention here that the mother of the Applicant namely Smt. C expired on xx.xx.xxxx and as a result thereto, the Will dated xx.xx.xxxx executed by her in favour of the Applicant relating to the suit property came into operation and as a result thereto, the Applicant has total right, lien and interest over the suit property on the basis of the will dated xx __ (month) __ executed by her mother in exclusion of the other legal heirs of her mother.

8. That it is also pertinent to mention that the Applicant herein has also filed a suit under Section 6 of the Specific Relief Act, 1963 relating to the suit property in the year 20xx bearing CS(OS) NO. xxxx/xxxx titled as “_____(PREVIOUS CASE NAME)_____” seeking a decree of possession in favour of the Applicant and against the Plaintiff herein along with damages which is pending adjudication in this Hon’ble Court with the Next Date of Hearing Scheduled on xx/xx/xxxx.
9. That it is also pertinent to mention that FIR bearing No xxx/xxxx has been registered against the Plaintiff herein and her husband along with other accused persons under Section 188/193/199/380/420/448/467/468/471/120B of IPC, Delhi for forging the documents and trespassing into the Suit Property which is pending adjudication before the Court of Sh G, Ld ____ (Address)____ Courts with the Next Date of Hearing Scheduled on xx/xx/xxxx for the order on Charge.
10. That the Plaintiff in order to defeat the rights of the Applicant herein has concealed the factum of Criminal and Civil proceedings pending with regard to the property in question, thus it is necessary that the Applicant herein be impleaded as necessary and proper party in the above captioned Suit.
11. That by virtue of the present application the Applicant herein prays to this Hon’ble Court to implead the Applicant as Plaintiff in the memo of parties to the present suit and further to allow the Applicant to participate in the present proceedings.

12. That the present application is bonafide and has been filed in interest of justice.

PRAYER

It is therefore most respectfully prayed to this Hon'ble Court that this Hon'ble Court may be pleased to:

- a) Allow the present application of the Applicant and implead the Applicant as Plaintiff in the memo of parties.
- b) Pass any other order(s) as this Hon'ble' Court may deem fit in the facts and circumstances of the case and in the interest of justice.

APPLICANT

THROUGH

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IN
CS(OS) NO – xxxx/xxxx

IN THE MATTER OF:

XPLAINTIFF

VERSUS

Y DEFENDANT

AFFIDAVIT

**AFFIDAVIT OF MS X, W/O ABC, AGED ABOUT xx YEARS,
R/O _____(ADDRESS)_____**

I, the above named deponent do hereby solemnly affirm and declare as
under:

1. That I, Applicant have filed the present application under Order 1
Rule 10 r/w section 151, CPC, 1908 and is competent to swear the
present affidavit.
2. That the accompanying application has been drafted by my counsel
under my instructions. The facts stated herein are true and correct to
my knowledge. The legal submissions made therein are as per the
advice received and believed to be correct.

DEPONENT

VERIFICATION:

Verified at New Delhi, on this _____th day of _____-,
__(year)__ that the contents of the above affidavit are true and correct.

No part of it is false and nothing material has been concealed
therefrom.

DEPONENT

VAKALATNAMA

IN THE COURT OF MS Z, LD ADJ – xx, EAST DISTRICT, KARKARDOOMA
COURTS, DELHI.

IN

CS (OS) NO – xxxx/xxxx

IN THE MATTER OF:

X

.....PLAINTIFF

VERSUS

Y

..... DEFENDANT

KNOW ALL to whom these presents shall come that I, X do hereby appoint

(NAMES OF THE COUNSEL)

hereinafter called the Advocate(s) to be my/our Advocate(s) in the above-
noted case and authorize them:-

To act, appear and plead in the above-noted case in this, or in any other
court in which the same may be tried or heard and also in the appellate
Courts including High Court.

To sign, file, verify and present pleadings, replications, appeals, cross-
objections, or petitions for execution, review, revision, restoration,
withdrawal, compromise, or other petition, replies, objections, or affidavits
of other documents as may be deemed necessary or proper for the
prosecution of said case in all its stages.

To file and take back documents.

To withdraw, or compromise, the said case or submit to as arbitration any
differences or disputes that may arise touching or in any manner relating
to the said case.

To take our execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts thereof,
and to do all other acts & things which may be necessary to be done for
the progress and in the course of the prosecution of the said case.

To appoint and instruct any other legal Practitioner, authorizing him to
exercise the power and authority hereby conferred upon the advocate
whenever he may think fit to do & to sign the power of attorney on our
behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts,
done by the Advocate or his substitute in the matter as my/our duly
authorized agent would appear in Court on all hearings & will inform the
Advocate for appearance, when the case is called.

And I/We the undersigned do hereby agree not to hold the Advocate or his
substitute responsible for the result of the said case in consequence of his
absence from the Court when the said case is called up for hearing or for
any negligence of the said Advocate or his Substitute.

And I/We the undersigned do hereby agree that the whole fee will be payable in advance and that in the even of the whole or any part of the fee agree by me/us to be paid to the Advocate, remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the advocate would be entitled to the same.

IN WITNESS WHEREOF I/WE do hereunto set my/or hand to these presents the contents of which have been understood by me/us on this ___ day of _____, xxxx. Accepted subject to the terms of fees.

Advocate /Counsel**(Name)**
Advocate /Counsel**(Name)**
Advocate /Counsel**(Name)**
Client**(Name)**