

IN THE COURT OF Ms Z, LD CIVIL JUDGE

TIS HAZARI COURTS, DELHI

IN THE MATTER OF:

Mr.X .....PLAINTIFF(S)/RESPONDENT(S)  
VS

Mr.Y .....DEFENDANT(S)/APPLICANT(S)

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2.	AFFIDAVIT	
3.	VAKALATNAMA	

Filed On: \*\*\*\*\*  
Filed At: New Delhi

APPLICANT/ DEFENDANT  
THROUGH

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VS

Mr.Y .....DEFENDANT(S)/APPLICANT(S)

**APPLICATION U/s 340 READ WITH SECTION 195 OF THE CODE OF CRIMINAL PROCEDURE (CrPC) READ WITH SECTION 193, 196, 199, 200 AND 209 OF THE INDIAN PENAL CODE (IPC) FOR TAKING COGNIZANCE OF THE AFORESAID OFFENCES AGAINST THE PLAINTIFF(S) AND MAKE COMPLAINT AGAINST THE PLAINTIFF(S) FOR SUCH OFFENCES**

MOST RESPECTFULLY SHOWETH;

1. That the aforesaid Suit was instituted by the Plaintiff for permanent injunction against the Applicant/Defendant No.3 seeking restraint of the Applicant/Defendant(s), their agents, associates etc from interfering in the peaceful possession of the plaintiff(s) in the Suit property and from selling the 50% divided share of the plaintiff(s) on \*\*\*\*\*.
2. The Defendant No.1 is the real elder brother of Plaintiff No.1 and Defendant No.2 and Defendant No.3 are sons of Defendant No.1.
3. That the Defendant No.1 was the owner and in possession of the suit property bearing khasra \*\*\*\*\* min, ad-measuring one Bighas situated in the revenue estate of village A, Delhi in the capacity as the Karta of Y and Sons (HUF) in lieu of Sale Deed with Registration No. \*\*\*\*\* on page \*\* to \*\* dated \*\*\*\*\*.
4. That the Defendant No.1 gifted his share in the property of Y and Sons (HUF) to the other co-parceners ie B, the Defendant No.2, C, the Defendant No.3 herein vide Registered Gift Deed dated \*\*\*\*\* vide Registration No. \*\*\* in Book No. \*\*\*\*\* on pages \*\* till \*\*.
5. That the Defendant No.2 and Defendant No.3 transferred the Suit property in the name of D vide Sale Deed dated \*\*\*\*\* for the Sum of Rupees \_\_\_\_\_ Only who is in the exclusive possession of the Suit Property since then.

6. That the Plaintiff(s) are relying upon the document dated \*\*\*\*\*, copy of the same is attached herewith as (**Annexure-1**) whereby Defendant No.1 sold fifty (50)% of divided share ie back portion of his land in the property bearing Khasra No. \*\*\*\* min, admeasuring one (1) bigha situated in the revenue estate of Village A, Delhi for Sum of Rupees \_\_\_\_\_ Only to the Plaintiff(s).
7. That it is also the case of the Plaintiff(s) that Defendant No.1 handed over the peaceful physical possession of the above said 50% of the divided portion of his land to the Plaintiff(s) on \*\*\*\*\*.
8. That an application U/o 39 R 1 and 2 Read with Section 151 of CPC of the Plaintiff(s) was allowed vide order dated \*\*\*\*\*, copy of the same is attached herewith as (**Annexure-2**) and Defendant(s) ,their agent(s),associates etc were restrained from creating any kind of third party interest in the suit property ie 50% of divided share ie back portion of the land in property bearing Khasra No. \*\*\*\* min ,admeasuring one (1) bighas situated in the revenue estate of Village A , Delhi till Next Date of Hearing.
9. That Plaintiff(s) relied on the Bank Statement(s) to show the payment amounting to Sum of Rupees \_\_\_\_\_ being received by the Defendant No.1 whereas the same has been made to E rather than to Y & Sons (HUF) , the owner of property at the time of alleged sale.
10. That the alleged document dated \*\*\*\*\* came to light for first time in the above mentioned Suit.
11. That the submission of the Plaintiff(s) of the original document(s) of the Suit property being handed over to them by the Defendant No.1 whereas retaining the alleged agreement dated \*\*\*\*\* was rejected by this Hon'ble Court thereby dismissing an application U/o 39 R 1 and 2 CPC vide its order dated \*\*\*\*\*, copy of the same is attached herewith as (**Annexure-3**) .
12. That the Plaintiff(s) mentioned in paragraph no \_ of an application dated \*\*\*\*\* filed under Order 1 Rule 10 r/w section 151, CPC supported by an affidavit that the Original title documents of the entire property bearing Khasra no \*\*\* min admeasuring One (1) Bhigha situated in the revenue Estate of village A, Delhi including suit property were handed over to the Plaintiff(s) by

Defendant No.1 and it was further agreed that Defendant No. 1 shall be selling the remaining land i.e 50 % of the front portion of the property bearing Khasra no \*\*\* Min admeasuring One (1) Bhigha situated in the revenue Estate of village A, Delhi to the Plaintiff(s) only at the time of execution of the sale documents of the suit property.

13. That the Defendant No.1 filed an application under order XI rule 14 read with section 151 of CPC, 1908 for the production of sale deed dated \*\*\*\*\* of the agricultural land admeasuring one (1) bhigha out of khasra no. \*\*\* min situated in the revenue estate of village A, Delhi which was not replied by the Plaintiff(s) showing that the Plaintiff(s) case was based on false averment(s).
14. That the Suit was dismissed vide order dated \*\*\*\*\*, copy of the same is attached herewith as (**Annexure-4**) holding that the Suit for seeking injunction (simpliciter) is not maintainable when a cloud has been raised upon the title of the Plaintiff .
15. That the alleged document dated \*\*\*\*\* is neither stamped nor registered and is not even an agreement and hence cannot create any title/ownership in favour of Plaintiff(s) which has been created in order to grab the Suit property.
16. That the Plaintiff(s) have filed alleged agreement dated \*\*\*\*\* which is forged and fabricated with intent to deceive this Hon'ble Court and obtained an ex-parte ad-interim injunction based on the same against the Defendant(s).
17. That the Plaintiff(s) have polluted the stream of administration of justice by filing forged and false document and giving false statement on oath with oblique motive.
18. That it has been held by the Hon'ble Supreme Court of India in **Re: Suo Motu Proceedings against R.Karuppan, Advocate, AIR 2001 SC 2204** that the purity of proceedings of the Court cannot be permitted to be sullied by a party on frivolous, vexatious or insufficient grounds or relying upon false evidence inspired by extraneous consideration(s) or revengeful desire to harass or spite his opponent. Sanctity of the affidavit(s) has to be preserved and protected discouraging the filing of irresponsible statement(s), without any regard to accuracy.

19. That effective and stern action is required to be taken for preventing the evil of perjury, concededly let lose by vested interest and professional litigant(s).
20. That the Plaintiff(s) have relied upon document dated \*\*\*\*\* which is known to them to be false and do not believe to be true and the statement that the original document(s) of the Suit property are with them which they know is not true.
21. That an affidavit is evidence within the meaning of Section 191 of the Indian Penal Code (IPC) and a person swearing to a false affidavit is guilty of perjury punishable under Section 193 of the Indian Penal Code (IPC).
22. That the Plaintiff(s) herein being legally bound by an oath to state the truth in their affidavit accompanying the plaint and or application have made a false statement and relied on forged and fabricated document which constitutes an offence of giving false evidence as defined under Section 191 of IPC ,punishable under Section 193 ,196, 200 and 209 of IPC.
23. That it shall be expedient in the interest of justice that this Hon'ble Court may exercise its power under the provision(s) of Section 340 of the Code of Criminal Procedure (CrPC) in the light of the aforesaid facts and circumstances.
24. That the present application has been filed in the interest of justice and is bonafide.

#### PRAYER

In the light of the above mentioned facts and circumstances, the Applicant/Defendant most humbly prays that this Hon'ble Court may kindly be pleased to:

- a. Allow the present application taking cognizance of the offences U/s 193,196,199,200 and 209 of the Indian Penal Code (IPC) committed by the Plaintiff(s);
- b. Make a Complaint U/s 340 of the Code of Criminal Procedure (CrPC) Read with Section 195(b)(ii) of the Code of Criminal Procedure (CrPC) against the Plaintiff(s);
- c. Pass any other direction or order which this Hon'ble Court may deem fit or necessary in the interest of justice.

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

Filed On: \*\*\*\*\*  
Filed At New Delhi

APPLICANT/ DEFENDANT  
THROUGH

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**AFFIDAVIT**

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

1. I say that I am the Defendant No.3 in the above captioned Suit 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 for taking cognizance of the offences U/s 193,196,199,200 and 209 of the Code of Criminal Procedure (CrPC) 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 \*\*\*\*\*, that the contents of the above affidavit from paragraph no. 1 till paragraph no. 2 are true to my knowledge, nothing is false and nothing material has been concealed therefrom.

**DEPONENT**

