

# JAHANGIR TUTORIALS

## COMPANY SECRETARY CLASSES

### DRAFT FORMATS

### PART – 1

### CS PROFESSIONAL

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FORMAT FOR PLAINT

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ AT \_\_\_\_\_

Civil /Criminal Suit No. \_\_\_\_\_/ of 2020

(Original / Appellate Jurisdiction)

(UNDER SECTION \_\_\_\_\_ OF THE \_\_\_\_\_)

ABC Ltd , )

Address - \_\_\_\_\_, having its office at )

)

)

)

... PLAINTIFF

VERSUS

XYZ Ltd )

Address - \_\_\_\_\_, having its office at )

)

)

)

... DEFENDANT

May it please the Hon'ble Chief Justice of the High Court and his Lordship's Companion Justices,

**THE PETITIONER ABOVE NAMED MOST RESPECTIVELY SHOWETH:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

The valuation of this Suit for the purpose of payment of Court fees is fixed at Rs \_\_\_\_\_ and the requisite Court fee is appended Hereto.

That this plaint is being filed within the prescribed period of limitation.

Plaintiff will rely upon the documents a list whereof is annexed hereto and craves leave to refer to and rely upon any other documents in support of its claim.

**PRAYER/RELIEF**

In light of the facts and circumstances stated above, the Petitioner humbly prays that this Hon'ble Court may be pleased to :

- (a) The Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, an aggregate sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being Exhibit hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till payment thereof and/or realisation in full.
- (b) Pending final hearing and disposal of the present suit, the Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, deposit a sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being Exhibit hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till date of deposit with the Hon'ble Court;
- (c) Pending final hearing and disposal of the present suit, an official receiver be appointed for the properties of the Defendants;
- (d) Pending final hearing and disposal of the present suit, the Plaintiff be allowed to inspect the books of accounts of the Defendants;
- (e) Pending final hearing and disposal of the present suit, the Defendants be directed to disclose on oath their list of assets and its present status;
- (f) Pending final hearing and disposal of the present suit, the Defendants be directed to maintain status quo with respect of its assets;
- (g) During the pending of above suit all the assets of the Defendants shall be attached before Judgement as per Order XXXVIII of Code of Civil Procedure;
- (h) Ad- interim or Interim reliefs in terms of prayer be allowed as the court deems fit.
- (i) The cost of this suit be provided for,

(j) Such other reliefs as this Hon'ble Court may deem fit and proper be granted in favor of the Plaintiff without any application.

FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

VERIFICATION /AFFIDAVIT

I, \_\_\_\_\_, residing at \_\_\_\_\_ do hereby solemnly affirm and state that whatever stated hereinabove is true to my own knowledge and belief and I believe the same to be true and no facts have been concealed therefrom.

Solemnly affirm at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Identified by me

Plaintiff  
(Deponent)

THROUGH

Sd/-  
(Counsel)

Place :

Date :

FORMAT FOR AN APPEAL

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ AT \_\_\_\_\_

Civil /Criminal Suit No. \_\_\_\_/ of 2020

(Original / Appellate Jurisdiction)

(UNDER SECTION \_\_\_\_\_ OF THE \_\_\_\_\_)

ABC Ltd , )

Address - \_\_\_\_\_, having its office at )

)

)

)

... PLAINTIFF

VERSUS

XYZ Ltd )

Address - \_\_\_\_\_, having its office at )

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)

)

... DEFENDANT

May it please the Hon'ble Chief Justice of the High Court and his Lordship's Companion Justices,

THE PETITIONER ABOVE NAMED MOST RESPECTIVELY SHOWETH:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Aggrieved by the aforesaid judgement and decree of the court , this appeal is hereby filed on the following grounds , amongst other,

#### GROUND FOR APPEAL

1. That the judgement and decree under appeal are erroneous both on facts as well as law.
2. That the learned trial court has failed to properly appreciate the evidence, and has fallen into error in not finding that the preponderance of probability was in favour of the plaintiff-appellant.
3. That there was sufficient evidence led by the plaintiff to prove the issues raised in the suit and the defendant-respondent has failed to effectively rebut the plaintiff's evidence
4. That the impugned order passed by the Hon'ble Court is patently illegal, erroneous and the same deserves to be set aside
5. That the principles of natural justice have been contravened by the defendant in not giving the plaintiff a reasonable opportunity of being heard
6. There was substantial miscarriage of justice and there are material contradictions and inconsistencies in the said impugned order
7. The said order is arbitrary and contravenes various provisions of law
8. That the Court placed too much reliance on the testimony of a witness whose credibility entertained reasonable doubt by the plaintiff.

The valuation of this Suit for the purpose of payment of Court fees is fixed at Rs \_\_\_\_\_ and the requisite Court fee is appended to this memorandum of appeal.

That this appeal is being filed within the prescribed period of limitation, the judgement and decree under appeal having been passed on.....

Plaintiff will rely upon the documents a list whereof is annexed hereto and craves leave to refer to and rely upon any other documents in support of its claim.

#### PRAAYER/RELIEF

In light of the facts and circumstances stated above, the Petitioner humbly prays that this Hon'ble Court may be pleased to :

- (a) Admit the appeal and the judgement and decree under appeal be set aside .
- (b) The Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, an aggregate sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being Exhibit hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till payment thereof and/or realisation in full.
- (c) Pending final hearing and disposal of the present suit, the Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, deposit a sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being Exhibit \_\_ hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till date of deposit with the Hon'ble Court;
- (d) Pending final hearing and disposal of the present suit, an official receiver be appointed for the properties of the Defendants;

- (e) Pending final hearing and disposal of the present suit, the Plaintiff be allowed to inspect the books of accounts of the Defendants;
- (f) Pending final hearing and disposal of the present suit, the Defendants be directed to disclose on oath their list of assets and its present status;
- (g) Pending final hearing and disposal of the present suit, the Defendants be directed to maintain status quo with respect of its assets;
- (h) During the pending of above suit all the assets of the Defendants shall be attached before Judgement as per Order XXXVIII of Code of Civil Procedure;
- (i) Ad- interim or Interim reliefs in terms of prayer be allowed as the court deems fit.
- (j) The cost of this suit be provided for,
- (k) Such other reliefs as this Hon'ble Court may deem fit and proper be granted in favor of the Plaintiff without any application.

FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

VERIFICATION /AFFIDAVIT

I, \_\_\_\_\_, residing at \_\_\_\_\_ do hereby solemnly affirm and state that whatever stated hereinabove is true to my own knowledge and belief and I believe the same to be true and no facts have been concealed therefrom.

Solemnly affirm at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Identified by me

Plaintiff  
(Deponent)

THROUGH

Sd/-  
(Counsel)

Place :

Date :



PLAINT

BEFORE THE CITY CIVIL COURT AT \_\_\_\_\_, MUMBAI

SUMMARY SUIT NO. \_\_\_\_\_ OF 2019

(UNDER ORDER XXXVII OF THE CODE OF THE CIVIL PROCEDURE 1908)

M/s R Impex, )

A \_\_\_\_\_, having its office at )

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) **... PLAINTIFF**

**VERSUS**

M/s V Lights )

A \_\_\_\_\_, having its office ----- )

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) **DEFENDANTS**

**The Plaintiff abovenamed most respectfully states and submits as under:**

1. The Plaintiff is filing this suit for recovery from the Defendant(s) of amounts due from the Defendants to Plaintiff on facts stated hereinbelow.

2. The Plaintiff is a \_\_\_\_\_, having its place of business at Shop no. \_\_\_\_\_. The Plaintiff is engaged in the business of wholesale of lights and related items.
3. The Defendant is a \_\_\_\_\_ having their office at the place mentioned in the cause title. The Defendants are engaged into the business of \_\_\_\_\_.
4. Plaintiff states that in or about \_\_\_\_\_, the Plaintiff and the Defendant started doing business together.
5. The Plaintiff states that against the Defendant's orders the Plaintiff dispatched goods against its orders from time to time on credit basis. The Defendant made part payments from time to time against the orders received.
6. The Plaintiff states that from end of December 2017 to mid Jan 2018, in about a period of just 15 days, the Defendants placed orders of \_\_\_\_\_. Thereafter no further order was placed by the Defendants. The Plaintiff dispatched the goods immediately against the said orders and the goods were received by the Defendants. The Plaintiff craves leave to refer to and rely upon the dispatch receipts as well as the acknowledgment of goods receipt as and when required. Further, the Plaintiff states that no dispute was ever raised by the Defendants as regards the goods received.
7. The Plaintiff states that Defendants in the month of January and February 2018 made payments in parts of an amount totaling to \_\_\_\_\_ against the above orders. Thereafter no payment was received by the Plaintiff until September 2018, where the Defendant made a payment of INR 50000 and thereafter in November another INR 50000.
8. The Plaintiff made various requests to the Defendants to clear its outstanding invoices, however the Defendants deliberately neglected any such requests and failed to clear the outstanding dues.
9. The Plaintiff states that it due to the non-payment of dues by the Defendants, the Plaintiff has suffered not only a severe financial loss but also a loss of its business, loss of profit,

loss of reputation and goodwill and also caused harassment and severe mental agony as well as other consequences as may arise therefrom.

10. The Plaintiff states that's on 29th July 2019, a demand notice was sent to the Defendants. A copy of the said demand notice dated 29th July 2019 is annexed and marked hereto as Exhibit \_\_. The Defendants did not respond to the said notice.
11. The Plaintiff states that ultimately by its Advocates' notice dated 13<sup>th</sup> November 2019, it called upon the Defendants to pay the principal amount of 70,08,281/- along with interest at the rate of 12% p.a. from November 2018 to June 2019 It further called upon the Defendants to pay an amount of INR \_\_\_\_\_ towards \_\_\_\_\_. However the Defendants again the failed and neglected to make any payment or even respond to the said notice. Hereto annexed and marked as **Exhibit** is a copy of the legal notice issued to the Defendant (s) and **Exhibit** is a copy of acknowledgements indicating the receipt of the notice dated 13<sup>th</sup> November 2019 by the Defendant (s).
12. Plaintiff submits that as per the Books of Accounts maintained by Plaintiff, there is due and payable by the Defendants to Plaintiffs a sum of Rs. \_\_\_\_\_/- alongwith with interest thereupon as more particularly described in the particulars of claim. The Plaintiff states that the Defendant are also liable to compensate the Plaintiff towards loss of its business, loss of profit, loss of reputation and goodwill and also caused harassment and severe mental agony that has been caused to the Plaintiff due to non-payment of dues by the Defendants. Hereto annexed and marked **Exhibit** is the particulars of claim.
13. Plaintiff states that in the circumstances as aforesaid, Plaintiff is entitled to claim from the Defendants, an amount of Rs. \_\_\_\_\_/- as per the Particulars of claim being **Exhibit " "** hereto. The Plaintiff submits that Plaintiff is entitled for further interest at the rate of \_\_\_\_% per annum on the outstanding principal amount from the date of filing of the suit till payment and/or realization of the entire amount in full.
14. The present suit has been filed as a summary suit under Order XXXVII of the Civil Procedure Code and no relief not falling with in the ambit of Rule 2 of the said order has been claimed.

15. Plaintiff states that the amounts were advanced in \_\_\_\_\_, Mumbai. The amounts are due and payable in Mumbai. The goods were dispatched from Mumbai. Thus, the material part of cause of action has arisen in Mumbai, within the territorial jurisdiction of this Hon'ble Court. This Hon'ble Court has jurisdiction to try the present suit.
16. Plaintiff states that the cause of action for filing the instant suit, inter alia, arose in \_\_\_\_\_ and is continuing. As such Plaintiff's claim is within limitation not barred by law of Limitation.
17. That the present suit is signed and verified by \_\_\_\_\_, \_\_\_\_\_ of Plaintiff who is aware about the fact of the case and able to depose to the same.
18. Plaintiff states that there is no suit filed against the Defendants in any other court arising out of the same cause of action.
19. Plaintiff values the suit for the purpose of court fees as \_\_\_\_\_ and jurisdiction and the Plaintiff has paid a court fee of Rs. \_\_\_\_\_/.
20. Plaintiff will rely upon the documents a list whereof is annexed hereto and craves leave to refer to and rely upon any other documents in support of its claim.

**Plaintiff, therefore, prays that:**

- (l) The Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, an aggregate sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being **Exhibit** hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till payment thereof and/or realisation in full.
- (m) Pending final hearing and disposal of the present suit, the Defendant be ordered and decreed to pay to Plaintiff, jointly and severally, deposit a sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ Only) as per the particulars of claim being **Exhibit** hereto together with further interest thereon at the rate of \_\_\_\_% per annum from the date of filing of the suit till date of deposit with the Hon'ble Court;
- (n) Pending final hearing and disposal of the present suit, an official receiver be appointed for the properties of the Defendants;

- (o) Pending final hearing and disposal of the present suit, the Plaintiff be allowed to inspect the books of accounts of the Defendants;
- (p) Pending final hearing and disposal of the present suit, the Defendants be directed to disclose on oath their list of assets and its present status;
- (q) Pending final hearing and disposal of the present suit, the Defendants be directed to maintain status quo with respect of its assets;
- (r) Costs;
- (s) Any other reliefs, as this Hon'ble Court may deem fit and proper to be granted in favour of the Plaintiff;

**ADVOCATE FOR PLAINTIFF**

**PLAINTIFF**

**MISC APPLICATIONS**

**APPLICATION FOR BAIL**

**IN THE LD. CHIEF / ADDL. / METROPOLITAN  
MAGISTRATE'S**

**\_\_\_\_\_ COURT, AT \_\_\_\_\_, MUMBAI**

**BAIL APPLICATION NO. \_\_\_\_\_  
IN**

**C.C/R.A. NO. \_\_\_\_\_**

**C.R. NO. \_\_\_\_\_**

**] ....**

**COMPLAINANT**

**V/s.**

**] ....**

**ACCUSED**

**MAY IT PLEASE YOUR HONOUR: -**

On behalf of the Accused above named, it is most respectfully submitted, applied and prayed as under:

- 1) That the Applicant prefers to file the said bail application as the application was taken in to custody by the \_\_\_\_\_ Police Station on \_\_\_\_\_ in the C.R. No \_\_\_\_\_ U/s. \_\_\_\_\_ of I.P.C and thereafter sent to judicial custody.
- 2) That the police have falsely implicated the applicant in the present case and have arrested him without any reason. That the applicant is innocent and has not committed any crimes as being alleged.
- 3) That the applicant is neither required for any kind of investigation nor any custodial interrogation.
- 4) That the applicant is having very good antecedents/backgrounds and there is no criminal case pending against the applicant.
- 5) That the applicant is permanent resident of Mumbai and there are no chances of absconding.
- 6) That the applicant undertakes to present themselves before the court as and when required.
- 7) That the applicant undertakes to co-operate with the police. That no useful purpose will be served by keeping the applicant in jail custody as no recovery has to be made.
- 8) That the applicant undertakes not flee from the court of justice.
- 9) That the applicant undertakes not to tamper with evidence or witness in any manner.
- 10) That the applicant undertakes to comply with all the conditions imposed by the Hon'ble Court.

**Therefore it is prayed that;**

- a)** That the applicant may kindly be released on bail on any terms and conditions this Hon'ble Court may deem fit and proper with or without sureties.
- b)** That on being released on bail by furnishing surety, the accused may kindly be given the time to arrange for sureties and in the mean time be released on provisional cash bail.
- c)** That if the cash collection time is over, the accused may be allowed to deposit the Cash at the Police Station.
- d)** Any other relief the Hon'ble Court deems fit and proper.

For this act of kindness accused shall as in duty bound ever pray.

Mumbai

Dated:

**Advocate for Accused**



**CANCELLATION OF WARRANT**

IN THE METROPOLITAN MAGISTRATE'S ()  
COURT AT MUMBAI  
C.C. NO. \_\_\_\_\_

\_\_\_\_\_  
Versus  
\_\_\_\_\_

...Complainant

...Accused

Prayer for cancellation  
of warrant.

**MAY IT PLEASE YOUR WORSHIP: -**

- 1) The Complainant/Accused named above do hereby most humbly that the warrant/s  
issued against him/her/them may kindly be ordered to be cancelled.
- 2) The said Complainant/Accused remained absent because  
.....  
.....
- 3) And for this act of kindness the Complainant/Accused herein shall as in duty bound  
ever pray.

Mumbai,

Dated: -

Advocate for .....

Complainant/Accused



**VAKALATNAMA**

WE ARE NOT A MEMBER OF ADVOCATE WELFARE FUND, HENCE THE COURT FEE STAMP OF RS. 20/- IS NOT AFFIXED HEREWITH.

Advocates for \_\_\_\_\_

**BEFORE THE HON'BLE \_\_\_\_\_ COURT AT MUMBAI**

...Complainant

V/s.

...Accused

To  
The Registrar,  
Criminal Court,  
Mumbai Bench

Sir,

I, \_\_\_\_\_, the accused, above named do hereby appoint \_\_\_\_\_ Advocate, High Court, Bombay to act, appear and plead on our behalf in the above matter.

In witness whereof we have set and subscribed our hands to this writing at \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020

**Accepted:**

# Certificate

of

## Signature Completion

This document has been signed through



Digitally signed by DS LEX SIGN Technologies  
Private Limited (Lex-Sign.com)

