**AFFIDAVIT**

IN THE HIGH COURT OF....................

CM. No..................... of 19....................

S. A. O. No..................... of 19....................

B. C................................................................ Appellants

*versus*

C. F............................................................... Respondent

**AFFIDAVIT**

Affidavit of Shri.................... s/o.................... aged about.................... years, R/o....................

I.................... do hereby solemnly affirm and declare as under: —

1. That I am one of the appellants and am fully conversant with the facts of the case.

2. That the contents of the accompanying application under Order 41 Rule 5 and Order 42 Rule 1 read with Section 151C. P. C. are true to my knowledge.

Deponent

**VERIFICATION**

I, the abovenamed deponent, do hereby verify that the above affidavit is true to my knowledge and no part of it is false.

Verified on this................. day of.................... 19.................... at....................

Deponent

**CASE LAW**

**SUIT FOR ARREARS OF RENT AND EJECTMENT**

***Order 9 Rule 13***

The word ‘applicant’ does not include anyone else other than the petitioner. As such the finding of the courts below on the question of bar created by Section 17 of the Provincial Small Causes Court Act is also in accordance with law.

A perusal of Order 9 Rule 13 clearly makes out that the petitioners is not entitled to the relief of setting aside the decree. The courts below have recorded their satisfaction that the petitioner had knowledge of the case notwithstanding the irregularities if any, in service of summons, I am also satisfied that it is case where

the petitioner’s conduct is such which does not inspire confidence. It cannot be accepted that she would not have known of the date of hearing in sufficient time and could not have appeared and answered the plaintiffs claim.1

**DECREE FOR POSSESSION**

Where a person’s suit claiming tenancy right in suit shop was dismissed then his application resisting exemption under Order 21 Rule 97 C. P. C. is without merits and no further enquiry or investigation into same claim is required.2

**SUIT FOR RECOVERY OF POSSESSION**

***Order 20 Rule 12***

There was evidence on record conclusively establishing that defendants was a trespasser and was not a legally inducted tenant. He is thus liable to be evicted.3

1. Sabira Bibi v. Allah Tala, 1996 (2) C. C. C. 20 (All. ).

2. Kazi Akeel Ahmed v. Ibrahim, 1996 (2) C. C. C. 163 (S. C.).

3. Mohinder Kaur v. Kusam Anand, AIR 2000 SC 1745..