

Precedent No. 2

AFFIDAVIT: ISSUE OF NOTICE

BEFORE THE HON'BLE SUBORDINATE JUDGE'S COURT,

E.P. No.....of 20.....

In

O.S. No.....of 20.....

IN THE MATTER OF:

A.B.

.....DECREE HOLDER

VERSUS

B.C

.....JUDGEMENT DEBTOR

AFFIDAVIT

I,, S/o, aged years, General Manager
.....Pvt. Ltd.,do hereby solemnly affirm and state as follows:

1. I am the General-Manager of the Decree-Holder Company. I am well acquainted with the facts of the case stand fully competent and duly authorized to swear to this affidavit on behalf of the Petitioner-decree holder.
2. It is respectfully submitted that the property of the judgment-debtors has already been attached in execution as per the order dated I.A. Noofof this Hon'ble Court. The judgment-debtors, in spite of having sufficient means, are deliberately not making payment in discharge of the decree-debt. It was very well possible for them to pay the decretal amount in lump sum had they wanted to do so, but are defaulting deliberately. Therefore, the best possible option to exercise in the present situation would be to bring about the sale of the judgment-debtor's attached property.
3. It is, therefore, just and necessary that this Hon'ble Court may be pleased to bring the attached properties scheduled to the accompanying application to sale by issuing Order XXI, rule 66 notice to them.

It is verified that the facts stated above are true to the best of my knowledge, information and belief.

Sd./

Deponent

VERIFICATION

I,....., the abovenamed deponent, verify that the contents of this affidavit are true to the best of my knowledge, belief and as per the information received by me by experts and nothing material has been concealed therefrom.

Date:

Place:

Sd./

Deponent

Signed and affirmed before my presence by the abovenamed deponent who is personally known to me, on this the day of, 20.....

Sd./

Counsel for the deponent

Note.—Affidavit to be attested by the appropriate authority prescribed under law.