

Affidavit to produce additional evidence in an appeal, Order XLI Rule 27 of Code of Civil Procedure

IN THE COURT OF _____

INTERLOCUTORY APPLICATION NO _____ OF 20_____

IN CIVIL APPEAL NO _____ OF 20_____

IN THE MATTER OF:

MR. _____

.....applicant/appellant

VERSUS

MR. _____

.....respondent

AFFIDAVIT

I, _____, aged about ____ years, son of _____, residing at _____, do hereby solemnly affirm and state as follows:

1. That I am the applicant in the application and the appellant in the appeal referred to above. I am thoroughly acquainted with the facts and circumstances of the present case and am fully competent to affirm this affidavit. For convenience, I shall be referred to as the applicant hereinafter.
2. That the present appeal has been filed by me against the judgement and decree passed by the Hon'ble City Civil Court in Original Suit No. _____ of 20__, dated _____.
3. That despite exercising due diligence, I was unable to obtain the documents now annexed, prior to _____. At that time, I had no knowledge whatsoever regarding the transactions referenced in the said documents. Upon learning of these transactions on _____, I immediately approached the office of the Sub-Registrar and applied for certified copies of the registered documents. The same were provided to me on _____, and I am submitting them now along with the accompanying application.

4. That the delay in producing these documents is solely due to the reasons mentioned above. There has been no intentional delay, carelessness, or omission on my part.
5. That the documents in question are crucial to the present case and are likely to have a substantial bearing on the outcome of the appeal. Their inclusion will assist in ensuring a fair and proper adjudication by this Hon'ble Court.
6. That denial of leave to place these documents on record and accept them in evidence would result in severe and irreparable prejudice and hardship to me.
7. That in light of the foregoing, it is respectfully prayed that this Hon'ble Court may be pleased to receive the documents detailed in the accompanying application on the court file and admit them in evidence in the interest of justice.

DEPONENT

VERIFICATION

I, _____, the above-named deponent, do hereby verify that the contents of this affidavit are true and correct to my personal knowledge and that nothing material has been concealed or misstated. Verified at New Delhi on this ____ day of _____, 20.

DEPONENT