

Affidavit for Application seeking stay of Execution of Judgement under Order XLI Rule 5 of Code of Civil Procedure.

BEFORE THE HIGH COURT OF _____

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. _____ OF 20____

(UNDER ORDER XLI RULE 5 OF CODE OF CIVIL PROCEDURE, 1908)

FIRST APPEAL NO _____ OF 20____

IN THE MATTER OF:

MR. _____

.....applicant / appellant

VERSUS

MR. _____

.....respondent

AFFIDAVIT

I, _____, son of Shri _____, aged about ____ years, residing at _____, New Delhi - _____, do hereby solemnly affirm and declare as follows:

1. That I am the appellant in the above-mentioned Appeal and also the applicant/petitioner in the application referred to herein. I am fully acquainted with the facts and circumstances of the present matter, and I am duly competent to affirm this affidavit. For ease of reference, I will hereinafter be referred to as the applicant.
2. That the respondent had instituted Suit No. _____ of 20____ against me before the Subordinate Court at _____ seeking recovery of a sum of Rs. _____, purportedly claimed to be due from me on account of computers supplied by the respondent.
3. That the Hon'ble Subordinate Court decreed the said suit in favour of the respondent on _____.

4. That the respondent, as decree-holder, thereafter filed an execution petition before the same Subordinate Court seeking enforcement of the decree.
5. That I respectfully submit that I am engaged in running a small photo studio situated in the front portion of my residence, bearing No. _____. I am a person of modest financial means, solely responsible for supporting my wife, three minor children, and my elderly parents.
6. That if execution of the aforesaid decree is permitted to proceed while the present appeal remains pending, I will suffer severe hardship and difficulty, as it will become extremely challenging for me to maintain and provide for my dependants.
7. That in view of the facts and circumstances detailed above, it is just, fair, and necessary that this Hon'ble Court be pleased to stay all proceedings in execution of the decree dated _____ passed by the Learnt Subordinate Judge in O.S. No. _____ of _____ pending final disposal of this appeal.

DEPONENT

VERIFICATION

I, the deponent named above, hereby verify that the statements made in this affidavit are true and correct to my personal knowledge, and nothing material has been concealed or misstated.

Verified at New Delhi on this ____ day of _____, 20.

DEPONENT