**O.21 R.41(2) In Execution proceedings, Application to call for details of assets of the judgment debtor.**

***The accrual of cause of action to file this Application:***

 Where a decree for the payment of money has remained unsatisfied for a period of thirty days, the decree-holder may make an Application under this Rule and require the judgment-debtor (against whom decree is passed) or where the judgment-debtor is a corporation, any officer thereof, to make an affidavit stating the particulars of the assets of the judgment debtor.

The Application may be taken in the form of a Notice of Motion / Notice / Exhibit / Chamber Summons as may be prescribed under the applicable provision of law, and duly verified by the Applicant.

**O.21 Rule 41: Examination of judgment-debtor as to his property**

(1) Where a decree is for the payment of money the decree-holder may apply to the Court for an order that-

(a) the judgment-debtor, or

(b) where the judgment-debtor is a corporation, an officer thereof, or

(c) any other person,

be orally examined as to whether any or what debts are owing to the judgment- debtor and whether the judgment-debtor has any and what other property or means of satisfying the decree; and the Court may make an order for the attendance and examination of such judgment-debtor, or officer or other person, and for the production of any books or documents.

(2) Where a decree for the payment of money has remained unsatisfied for a period of thirty days, the Court may, on the application of the decree-holder and without prejudice to its power under sub-rule (1), by order require the judgment-debtor or where the judgment-debtor is a corporation, any officer thereof, to make an affidavit stating the particulars of the assets of the judgment-debtor.

(3) In case of disobedience of any order made under sub-rule (2), the Court making the order, or any Court to which the proceeding is transferred, may direct that the person disobeying the order be detained in the civil prison for a term not exceeding three months unless before the expiry of such term the Court directs his release.

Draft

AFFIDAVIT OF ASSETS TO BE MADE BY A JUDGMENT-DEBTOR

(Order XXI, rule 41 (2)]

In the Court of

A. B............... Decree-holder.

Versus

C. D............... Judgment-debtor.

I of

oath

State on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as follows:

solemn affirmation

1. My full name is ......................................................................................

(Block capitals)

2. I live at

3. I am married single

widower (widow) divorced

4. The following persons are dependent upon me :

5. My employment, trade or profession is that of carried on by me at

I am a director of the following companies:

6. My present annual/monthly/weekly income, after paying income-tax, is as follows:

(a) From my employment, trade or profession Rs.

(b) From other sources Rs.

7. (a) I own the house in which I live ; its value is Rs.

I pay as outgoings by way of rates, mortgage, interest, etc., the annual sum of Rs. (b) I pay as rent the annual sum of Rs.

8. I possess the following :

(a) Banking accounts ;

(b) Stocks and shares;

(c) Life and endowment policies ; Give particulars.

(d) House property ;

(e) Other property ;

(f) Other securities;

9. The following debts are due to me : (give particulars)

(a) From of

Rs.

(b) From of

Rs. (etc.)

Sworn before me, etc.

Legal issues !!

If you are facing any of these issues like (a) Recovery of Moneys (b) Immovable property disputes (c) grievances against Municipalities &amp; Govts., including challenge to legitimacy of laws etc. (d) grievances against illegalities and highhandedness of Police like illegal arrests, refusal to register FIR, deliberately flawed investigations, etc (e) False FIRs (f) False Claims (g) False evidences (h) Grievances against Judges (i) Illegal or perverse Orders of the Courts / Tribunals, among others.

or

If you are looking for draft of any legal proceeding; or if you want to know the nature and attribute of any legal proceeding; or if you want to know the procedure followed in any legal proceeding; or if you want to know the grounds on which any order of the court / tribunal is challenged; or if you are facing any frivolous litigation.

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