Civil Court Forms

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**Introduction**

Civil Courts are part of the District Courts of India.The State Governments in India have dedicated  District Courts of  for every District or for one or more Districts together taking into account the number of cases, population distribution in the District. These Courts administer justice in India at a District level. These courts are under administrative control of the High Court of the State to which the District concerned belongs. The decisions of District court is subject to the appellate jurisdiction of the High court.

The highest court in each District is that of the District and Sessions Judge. This is the principal court of original civil jurisdiction besides High Court of the State and which derives its jurisdiction in civil matters primarily from the code of civil procedure. The District court is presided over by one District Judge appointed by the State Government. In addition to the District Judge there may be number of Additional District Judges and Assistant District Judges depending on the workload. The Additional District Judge and the Court presided have equivalent jurisdiction as the District Judge and his District court.

However, the District Judge has supervisory control over Additional and Assistant District Judges, including decisions on allocation of work among them. The District and Sessions Judge is often referred to as "District Judge" when he presides over civil matters and "Sessions Judge" when he presides over criminal matters. Being the highest Judge at District level, the District Judge also enjoys the power to manage the state funds allocated for the development of judiciary in the District.

The District Court or Additional District court exercises jurisdiction both on original side and appellate side in civil and criminal matters arising in the District. The territorial and pecuniary jurisdiction in civil matters is usually set in concerned state enactments on the subject of civil courts. Subordinate courts, on the civil side (in ascending order) are,  Civil Judge Junior Division, Civil Judge Senior Division,  Addl. Senior Civil Judge, Senior Civil Judge Court, Addl. District Judge and District Judge.

Section 9 of the Civil Procedure Code confers jurisdiction on the civil courts, it provides that the civil courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is expressly or impliedly barred.

Before filing a suit one should know where or before which Court the suit has to be filed. It is called place of suing. Place of suing is subjected to two limitations:

1. Territorial jurisdiction of the Court; and
2. Pecuniary jurisdiction of the Court,

Territorial jurisdiction depends upon the nature of the suit, i.e. subject matter of the dispute.

Depending upon the nature of subject matter, suits are divided into 3 categories.

They are-

1. Suits relating to immovable property.
2. Suits relating to compensation for wrongs to person and movables.
3. Other suits.

 In case of Suits relating to immovable property:- As a general rule suits relating to immovable property shall be filed in the Court within the local limits of whose territorial jurisdiction the property is situate, In other words, where the property in dispute is situated.

**Link to Civil Procedure Code-**

Code of Civil Procedure,1908

CPC – Order I to Order XXX

CPC – Order XXXI to Schedule V

**Format of a Suit for Specific Performance of a contract**

Important points to remember-

As per Order VI (Pleading) and Order VII (Plaint) CPC, every plaint must contain the following things:

**1. Name of the court
2. Name and details of the Parties
3. If the plaintiff or the defendant is a minor/insane, a declaration to that effect
4. Facts of the case –
5. Facts constituting cause of action and when it arose
6. A statement about the value of the subject matter for the purpose of jurisdiction and court fees.
7. Facts showing that the court has jurisdiction (territorial as well as pecuniary)
8. Relief prayed
9. Description of the set-off (if claimed)
10. Verification**

The heading or court is determined according to Section 15 to 20 of CPC. In Delhi, cases up to  3,00,000/- are handled by Civil Judge Class I, and cases upto 20,00,000 are handled by District Judge. Cases beyond 20 lac are handed by High Court of Delhi on the Original Side.

Although there is no special rule for this but general convention seems to be that, in the title of a suit, the word "Respondent" is used in Original civil suit while the word"Defendant" is used in applications made to  – appellate court or supreme court.
In the Court of Civil Judge Class – I at Delhi

Suit No. ………… / 20…….
A. B. s/o B. C.
123, A B Road, Delhi                           …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
456, A B Road,Delhi                            …………………………………..  Respondent

Suit for Specific Performance of Contract to sell a residential plot

The plaintiff respectfully states as follows : –

Inducement:
(1) Plaintiff is a Govt. Servant working in Delhi. and so on
(2) Respondent is a property broker having an office at …

Material Facts of the case:
(3) The plaintiff agreed with the respondent on 10 Aug 2008 to purchase the Plot No 123 at Rani Bagh Colony,Delhi. A copy of the contract is attached with the petition.
(4) The boundaries of the plot is as under:
       East:  Road
       West: Plot number 124
       North: Road
       South: Colony wall
(4) The total value of the plot to be paid by the plaintiff to the respondent, as agreed upon in the contract, is Rs. 40,000/-.
(5) The respondent accepted a payment of 10,000/- though Check No. 123 of SBI,CP Branch at the time of making the contract and promised to do registry upon payment of remaining amount of 30,000/-
(5) The plaintiff tried to pay the remaining amount on several occasions by cash as well as check but the respondent refused to take the payment.
(6) The plaintiff also sent a notice about the same to the respondent on 10/10/2009.
(7) The plaintiff is ready to pay the remaining amount of Rs 30,000/- but the respondent is not willing to transfer the said plot.

Cause of Action and Limitation
(8) The cause of action for the present suit first arose on 10/10/2009, when the respondent refused to convey the said property as per the terms of the agreement and hence, the suit filed today is within time.

Valuation:
9 The suit is valued for the purpose of jurisdiction and court-fee at Rs. 30000/-.

Jurisdiction:
(10) The plot is located in Indore, which is within this court's territorial jurisdiction.

(11) The value of the contract is 40,000/- which is within this court's pecuniary jurisdiction.

Relief Claimed:
(12) The plaintiff, there fore prays that

the court be pleased to order the respondent to perform his part of the contract by accepting the remaining payment and conveying the said plot to the plaintiff.
the plaintiff be permitted to deposit the balance of consideration in this Hon'ble Court.
the respondent be ordered to pay compensation for mental harrasment, loss of wages, and cost of this litigation.

Place: ………………….                                                                            (Signature of the plaintiff)
Date: …………………..

                                                                                                                                YYY
                                                                                                                            Advocate

Verification

 I, \_\_\_\_\_\_, do hereby solomnly verify that the contents from paras 1 to 4 are correct and true to the best of my knowledge and contents from para 5 to 12 are based on legal advice, which I believe to be correct. Affirmed at Delhi this 4th Day of September 2015.

(Signature)
Plaintiff

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**Format of a Plaint claiming compensation for Defamantion**

**Important points to remember-**

Format of all Civil suits are pretty much the same. They are governed by Order VI (Pleading) and Order VII (Plaint) CPC. Please see this for theory part.
Suit for compensation for things like Defamation, Malicious Prosecution can be filed in the court as determined by Section 19 and 20 of CPC.

In the Court of Civil Judge Class – I at Indore

Suit No. ………… / 20…….
A. B. s/o B. C.
123, M G Road, Delhi                          …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
456, M G Road, Delhi                            …………………………………..  Respondent

Plaint under Order 7 Rule 1 for Compensation for Defamation
The plaintiff respectfully states as follows : –

Brief Description of the case:
(1) The respondent publicly accused the plaintiff of selling watered down milk, which has caused immense harm to the reputation of the plaintiff. The present suit is meant for compensation for the harm done to the plaintiff's reputation.

Matters of Inducement:
(2) Plaintiff is a milk man and sells milk in many colonies of Indore including MG Road, AB Nagar.
(3) Respondent is the president of an informal residents association of MG Road.

Facts constituting cause of action:
(4) In a residents association meeting held on 10/10/2015, the respondent publicly accused the plaintiff of selling milk mixed with water. A tape record of the respondent making the accusation is attached with this petition.
(5) The said speech made by the respondent was heard by hundrends of residents of MG Road, where the plaintiff sells goods.
(6)  The said speech has caused the plaintiff a lot of embarrament and loss of business.
(7) The plaintiff denies that he sells watered milk and claims that the statement made by the respondent was completely baseless.
…
Jurisdiction:
(10) The meeting where the defamatory statement was made by the respondent happened in Indore, which is under this court's jurisdiction.
(11) The plaintiff claims, on account of the loss of business as well as mental agony, an amount of 40,000/- which is under this court's jurisdiction.

Relief Claimed:
(12)  The plaintiff prays that the court be pleased to order the respondent to pay sum of Rs 4,00,000 on account of the loss of business because of his baseless and false speech.  The plaintiff further prays that the respondent be ordered to pay compensation for mental harassment and cost of this litigation.

Place: ………………….                                                                            (Signature of the plaintiff)
Date: …………………..

                                                                                                                        Advocate for Plaintiff

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 12 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Delhi this 4th Day of September 2015.

(Signature)
Plaintiff

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**Format of a Plaint by a Minor or a person of Unsound Mind in a Civil Suit**

**Important points to remember-**

Suit for and against a minor or a person of unsound mind are drafted as per Order XXXII of CPC:

Rule 1: Every suit by minor is instituted in his name by a person called "next friend".
Rule 3: Where a defendant is a minor, the court shall appoint a proper person to be "guardian" for the suit for the minor. An order to appoint a guardian can be obtained upon application by the plaintiff or by the minor in his name or by the minor on his behalf.

Only difference between a regular suit and a suit by/against a minor is that the name of the next friend or guardian is specified along with the name of the parties.

In the Court of Civil Judge Class – I at Delhi

Suit No. ………… / 20…….
A. B. s/o B. C.
A minor through his next friend X. Y.,
123, A B Road, Delhi                 …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
A minor through his guardian  O. P.
456, A B Road, Delhi                 …………………………………..  Respondent

Suit for XXX

The plaintiff respectfully states as follows : –

(1) Plaintiff is a Govt. Servant working in Delhi. and so on
…
…
(12) Relief Claimed:

The plaintiff prays that the court be pleased to order the respondent to perform his part of the contract by transferring the said plot to the plaintiff.
The plaintiff further prays that the respondent be ordered to pay compensation for mental harrasment, loss of wages, and cost of this litigation.

Place: ………………….                                                                            (Signature of the next friend on behalf of minor)
Date: …………………..

          YYY
Advocate for Plaintiff

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 12 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature of next friend)
Plaintiff  through Next Friend

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**Format of a Written Statement**

**Important points to remember-**

Written Statement is the response given by the defendant/respondent in a Civil Suit.
Format of a Written Statement is governed by Order VI (Pleading) and Order VIII (Written Statement) CPC.
Heading/Title/Signature/Verification part is all same as in a Plaint.
The content/matter of the WS is written in points that correspond to the points mentioned in the Plaint.
Each point in WS should accept or refute the allegations given in the same point of the plaint.
A WS may also contains new points, objections to jurisdiction, pre-emptory pleas, dialatory pleas, etc.
A WS must also raise any set-off or counter-claim if any.

In the Court of Civil Judge at Delhi

Suit No. 1234 / 2009.
A. B. s/o B. C.
123, M G Road,  Delhi                           …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
456, M G Road, Delhi                            …………………………………..  Respondent

Written Statement of the Respondent under Order 8 Rule 1
(or Written Statement on behalf of all the Respondents)
The respondent(s) respectfully state(s) as follows : –

(1) Para no. 1 of the plaint is admitted and needs no reply.
(2) Para no. 2 of the plaint is admitted and needs no reply.

(Facts constituting cause of action)
(3) Para no. 3 of the plaint is admitted and needs no reply.
(4) Para no. 4 of the plaint is admitted and needs no reply.
(5)  Para no. 5 of the plaint is denied and not admitted because the contract referred to by the plaintiff in Para no. 3 clearly specifies that the balance amount must be paid by 10/10/2008, failing which the agreement shall terminate and the buyer shall forfeit the initial deposit. However, the plaintiff never made the balance payment.
…
(Jurisdiction/Optional)
(10) The market value of the plot is more than 5,00,000/- and so this court has no jurisdiction to try this case.
(11) The plot is situated in Dewas, MP and so this court has no jurisdiction to try this case.

(12) The respondent therefore prays that the suit be dismissed with costs.

Place: ………………….                                                                            (Signature of the respondent)
Date: …………………..

                                                                                                                    Advocate for Respondent

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 12 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature)
Respondent

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**Format of an application to set aside a decree passed ex parte**

**Important points to remember-**

An ex parte decree is a decree that is passed by the court in absence of any response from the defendant as per Order 9 Rule 6 of CPC.
As per Order 9 Rule 13, the defendant may apply before the court that passed the decree to set it aside on the following grounds:

If he satisfies the court that the summons was not duly served
he was prevented by any other sufficient cause from attending the hearing. For example, bona fide mistake as to the date or hearing, late arrival of train, etc. are sufficient causes for absence of the defendant. Such an application for setting aside may be made within 30 days from the date of decree as per Section 123 of Limitation Act.

In the Court of Civil Judge  Delhi

Suit No. 1234 / 2009
A. B. s/o B. C.
123, A B Road,  Delhi                           …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
456, A B Road, Delhi                            …………………………………..  Respondent/Applicant
Application under Order IX Rule 13 of CPC, 1908

The respondent/applicant respectfully states as follows : –

(1) The Plaintiff filed the above suit which was decreed ex-parte against the applicant on 10/10/2014

(2) The applicant came of know of this fact on 15/10/2014, when a demand notice was served on him by the plaintiff for the decretal amount.

(3) The plaintiff obtained the decree by suppression of material facts.

(4) The summons in the said case was not served at all on the respondent/applicant.

(4) The respondent/applicant could not enter appearance in the said case by reason on non-service of the summons.

(5) Relief Claimed: The applicant accordingly prays that the decree passed ex parte on 10/10/2014 against the applicant in the aforementioned case be set aside and the aforementioned case be tried in presence of the applicant.

Place: ………………….                                                                            (Signature of the applicant)
Date: …………………..

                                                                                                                                    YYY
                                                                                                                    Advocate for Respondent/Applicant

Verification

 I, M. N. s/o O. P. , do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Indore this 4th Day of September 2014.

(Signature)
Respondent/Applicant

Suit No. 1234 / 2009
A. B. s/o B. C.
123, A B Road, Indore, MP                            …………………………………..  Plaintiff

Vs.

M. N. s/o O. P.
456, A B Road, Indore, MP                            …………………………………..  Respondent/Applicant
Application under Order IX Rule 13 of CPC, 1908

The respondent/applicant respectfully states as follows : –

(1) The Plaintiff filed the above suit which was decreed ex-parte against the applicant on 10/10/2009.

(2) The applicant came of know of this fact on 15/10/2009, when a demand notice was served on him by the plaintiff for the decretal amount.

(3) The plaintiff obtained the decree by suppression of material facts.

(4) The summons in the said case was not served at all on the respondent/applicant.

(4) The respondent/applicant could not enter appearance in the said case by reason on non-service of the summons.

(5) Relief Claimed: The applicant accordingly prays that the decree passed ex parte on 10/10/2009 against the applicant in the aforementioned case be set aside and the aforementioned case be tried in presence of the applicant.

Place: ………………….                                                                            (Signature of the applicant)
Date: …………………..

                                                                                                                                    YYY
                                                                                                                    Advocate for Respondent/Applicant

Verification

 I, M. N. s/o O. P. , do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Indore this 4th Day of September 2009.

(Signature)
Respondent/Applicant

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**Format of an appeal against a decree**

**Important points to remember-**

Appeal can be made against a decree or an order.
Appeal against a decree: Provision for first appeal is provided in Sections 96-99 of CPC. Provision for second appeal is given in Section 100-103 of CPC.
Appeal against an order: Section 104.
Procedure for appeal is laid down in Order 41 : Memorandum of Appeal –

First appeal against decree or order passed by lower courts such as CJ-Class I or II, Court of Munsif, which are subordinate to District Court, is filed in the District Court.
First appeal against a decree passed by District Court is filed in the High Court.

In the Court of District Judge, Indore

Civil Appeal No. … / 2009
Under Section 96 of CPC, 1908.
A. B. s/o B. C.
123, A B Road,Delhi                           …………………………………..  Plaintiff/Appellant

Vs.

M. N. s/o O. P.
456, A B Road, ,Delhi                                    …………………………………..  Defendant/Respondent
Memorandum of Appeal
Sir,

The aformentioned plaintiff-appellant appeals against the Judgement and decree of the Court of Civil Judge Class II, at Indore, passed in Original Suit No 1234 of 2009 between A. B s/o B. C vs M.N s/o O. P., dated 10/10/2014, and sets forth the following grounds of objection to the decree appealed from :-

    Value of the suit:
    Value of appeal:
    Court Fee Paid:

(1) That the orders passed by the Learned Lower Court are contrary to the provisions of law and the principles of natural justice.

(2) That the findings arrived by the Learned Lower Court are not supported by the evidence on record.

(3) That the Learned Lower Court committed an error in holding that the house premises are not required by the plaintiff/appellant for his personal bonafide occupation.

(4) That the copy of the Judgment and the Decree against which this appeal has been preferred is attached alongwith.

(5) That the Learned Lower Court has having answered the first issue in the negative decided the rest of the issues against the appellant, which itself is improper and illegal.

(6) That the necessary court fee is paid herewith.

Prayer:
(7) That the appellant, therefore, prays that for the reasons stated above and as may be argued at the time of hearing, the record and proceedings be called for, this appeal be allowed, the orders under appeal be set aside and quashed, and orders deemed just and proper be kindly passed. Further that the cost of this petition be awarded in favor of plaintiff-appellant.

Place: ………………….                                                                            (Signature of the Plaintiff-Appellant)
Date: …………………..

                                                                                                                            Advocate for Plaintiff-Appellant

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature)
Plaintiff-Appellant

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**Format of Civil Appeal**

In the Court of Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_ Vs. \_\_\_\_\_\_\_\_\_\_\_

CIVIL APPEAL

Report of the Local \_\_\_\_\_\_\_\_

Sir,

The Local \_\_\_\_\_\_\_\_\_\_\_- submits the following report :-

That I was appointed as a Local \_\_\_\_\_\_\_\_\_\_\_\_ by this Hon’ble court vide order dated \_\_\_\_\_\_\_\_\_ with the directions to visit the spot and to submit the report about the existing position of the suit property alongwith rough site plan after issuing Notice to the parties.
As per the directions of this Hon’ble court, I served notices upon the counsels for the parties intimating them to come present on the spot on \_\_\_\_\_\_\_\_\_\_ at about \_\_\_\_\_\_\_\_\_. I reached the spot on \_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_ and firstly I prepared the memo of appearance of the parties. Both the counsels of the parties were present at the spot. I prepared a rough site plan at the spot which is enclosed herewith this report. I visited the spot and prepared the following report: –
1- That I entered into the property in dispute from \_\_\_\_\_\_\_\_\_ and I found that there is \_\_\_\_\_ portion just adjacent to the \_\_\_\_\_\_\_\_. The property is facing towards the \_\_\_\_\_\_\_\_\_side. On the main gate I found \_\_\_\_\_\_\_\_ and the wall with the main gate. The wall was \_\_\_. and the same was newly constructed. I found that there were \_\_\_\_\_ rooms and \_\_\_\_\_. There were total \_ pillars on which the \_\_\_\_\_\_ is entangled. There were \_\_\_\_ pillars in the middle of the \_\_\_\_\_ and these rooms were old constructed rooms probably constructed about \_ years ago. I found there was kitchen foundation and wall adjacent to the same was \_\_\_\_\_\_\_ Ft. in height. I found lying dust with the \_\_\_\_\_ wall of the said property. On the western side I found \_\_\_\_, which were also newly constructed. The \_\_\_\_\_ wall is the joint wall of Shri \_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_. In the \_\_\_\_\_\_\_\_\_ side there is \_\_\_\_\_\_\_ land in which \_\_\_\_\_\_\_\_ is standing. I also found the \_\_\_\_ \_\_\_\_\_\_\_ outside the gate and \_\_\_\_\_\_ inside the property and property is bounded as under:-
East – \_\_\_\_\_\_\_\_\_\_\_\_\_
West – \_\_\_\_\_\_\_\_\_\_\_\_\_
North – \_\_\_\_\_\_\_\_\_\_\_\_\_\_
South – \_\_\_\_\_\_\_\_\_\_\_\_\_\_

It is, therefore, prayed the Local \_\_\_\_\_\_\_\_\_\_\_\_ report may kindly be accepted in the interest of justice.
Dated Local \_\_\_\_\_\_\_\_\_.