Suit for Damages Format

In the court of Hon’ble Civil Judge, \_\_\_\_\_\_

 Civil Suit No. \_\_\_ of \_\_\_\_

...............................

 S/o ……………………………..

Resi………………………………

………………………………………PLAINTIFF

 Versus

1- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

…………………………………………………….. DEFENDANTS

SUIT FOR DAMAGES/COMPENSATION OF RS. \_\_\_\_\_/-

Sir,

The plaintiff most respectfully submits as under: –

1- That the plaintiff is a resident of above said \_\_\_\_\_, District \_\_\_\_\_\_. The plaintiff is a poor person and he was looking after his family members by way of running a small \_\_\_\_ at \_\_\_\_ District \_\_\_\_.

2- That on \_\_\_\_ the \_\_\_\_ of the complainant namely \_\_\_\_ took \_\_\_\_ of the plaintiff in the fields of the plaintiff for \_\_\_\_ purpose. At about \_\_\_\_ when the said \_\_\_\_ reached on the field of the plaintiff just near electricity pole and touch the pole. There was live current in the said pole and due to touching of the pole and the \_\_\_\_ was electrocuted and consequently died on the spot. The plaintiff intimated the defendants regarding the death of the \_\_\_\_ and the same time. On the statement of the plaintiff the \_\_\_\_ dated \_\_\_\_ was registered in the Police Station \_\_\_\_. The photocopy of the \_\_\_\_ is Annexure \_\_\_\_. The photocopy of the receipt dated \_\_\_\_ is Annexure \_\_\_\_.
3- That the officials of the P.S. \_\_\_\_ visited the spot and they recorded the statement of the plaintiff and prepared the report. On \_\_\_\_ at about \_\_\_\_ the deceased \_\_\_\_ was medically examined at \_\_\_\_ Hospital \_\_\_\_ where the Post Mortem Report No. \_ dated \_\_\_\_ was prepared by the concerned Medical Officer of the Hospital. The Doctor clearly mentioned in the PMR that the above said \_\_\_\_ has died to due to electrocutions. The said \_\_\_\_ was \_\_\_\_. The photocopy of the Post Mortem Report is Annexure \_\_.

4- That the plaintiff moved a complaint dated \_\_ to \_\_\_\_ requesting him to the pay the compensation amount to the plaintiff. But the defendants did not make the payment of the compensation to the plaintiff. The photocopy of the application is Annexure \_\_ and photos of the deceased \_\_\_ are Annexure \_\_ to Annexure \_\_.

5- That due to the negligence and deficient services of the defendants the above said accident took place and if the defendants had took care of the electricity Line through their officials then the said accident might have not taken place. So the plaintiff is entitled to receive the amount of Rs. \_\_\_\_/-. The plaintiff is also entitled to receive the total amount of Rs. \_\_\_\_/- as business loss due to closure of \_\_\_\_ and the amount of Rs. \_\_\_/- as litigation expenses. Thus the plaintiff is entitled to receive the total damages of Rs.\_\_\_/- from the respondents jointly and severally alongwith interest @ \_\_% per annum since the date of death of the said \_\_\_\_ till actual realization of the amount in full.

6- That cause of action to file the present suit firstly arose on \_\_\_ when the incident took place. The cause of action further arose on \_\_\_ when the plaintiff moved an application before the defendant No.1 and requested him to make the payment of the compensation to the plaintiff. The cause of action finally arose on \_\_\_ when the defendants refused to pay any compensation to the plaintiff. Hence this suit.

7- That the no similar suit has been previously filed, pending or decided by any court of law on the same subject matter between the same parties.

8- That the parties reside at \_\_\_ and the cause of action also arose at \_\_\_\_ to file the present suit within the territorial jurisdiction of this Hon’ble court, therefore, this Hon’ble court has got the jurisdiction to entertain and try the present suit.

9- That the exact amount of damages is yet to be assessed by this Hon’ble court therefore, the amount of court fee may not be assessed at this stage, hence, only the tentative court fee of Rs. \_\_/- has been paid on the plaint. The plaintiff undertakes that the proper stamp duty according to the amount of damages awarded by this Hon’ble court shall be paid by the plaintiff as and when this Hon’ble court would direct for the same.

 PRAYER:

It is, therefore, prayed that a decree for damages of Rs.\_\_\_\_/- may kindly be passed, on the grounds mentioned above, in favour of the plaintiff and against the defendant alongwith interest @ \_\_% per annum. The costs of the suit may kindly be granted in favour of the plaintiff and against the defendant. It is prayed accordingly.
Or any other relief which this hon’ble court deems fit and proper be granted to the plaintiff.

PLAINTIFF

Through counsel:

\_\_\_\_, Advocate, \_\_\_\_

VERIFICATION:

Verified that the contents of Paras No.1 to 7 of the plaint are true and correct to best of my knowledge and Paras No. 8 & 9 of the plaint are true to best of my knowledge and belief and information received by me.
Verified at \_\_\_\_

 on \_\_\_\_\_.

PLAINTIFF