**IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

**IN THE MATTER OF:**

Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                                            **PETITIONER**
R/O\_\_\_\_\_\_\_\_\_\_\_\_\_ OCCUPATION \_\_\_\_\_\_\_\_\_

**VERSUS**

M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ & ORS                                                 **RESPONDENTS**

**AFFIDAVIT OF THE PETITIONER ABOVE NAMED**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , Son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  working as Legal Manager, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and sincerely state as follows:

1. I am the Legal Manager of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  As per the Resolution passed by the Board of Directors of the Company on \_\_\_\_\_\_\_\_\_\_\_\_\_ I am duly authorised to deal with the case, to sign Petitions and vakalatnama and to give affidavits on behalf of the Company.

2. The above case is filed questioning the Order and Decree passed in Original Petition No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  dated \_\_\_\_\_ by the Hon'ble Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  as illegal, arbitrary and contrary to law and the same is liable to be set aside for the grounds set out in the Memorandum of Civil Misc. Appeal. It is submitted that the respondents herein as claimants filed O.P.No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
claiming compensation of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the allegation that one \_\_\_\_\_\_\_\_\_\_ died in the accident on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  due  to rash and negligent driving on the part of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Driver. The Petitioner resisted the same by filling counter contending inter-alia that the accident took place due to rash and negligent driving of the deceased's driver of the Truck and  as such denied the liability to pay any compensation.

3. It is submitted that the Tribunal below without proper appreciation of oral and documentary evidence available on record awarded exorbitant amount of Rs \_\_\_\_\_\_\_\_\_ against the claim of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  which is unsustainable and contrary to law and such the same is liable to be set aside. Taking advantage of the erroneous decree passed by the Tribunal below the claimants are proceeding with Execution to realise the compensation and if the entire amount is deposited it is difficult for the Petitioner to realise the same in the event of Petitioner's success before this Hon'ble Court.

4. I further respectfully submit that the Petitioner has got fair chances of success before this Hon'ble Court and the grounds set out in the Memorandum of Appeal may be read as part and parcel of this Affidavit. Hence the decree and order is liable to be stayed.

5. It is also absolutely necessary in the interests of justice that this Hon'ble Court may be pleased to grant stay of all further proceeding including execution in Original Petition No \_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_ in the Court of Hon'ble \_\_\_\_\_\_\_\_\_\_\_Judge  at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , pending disposal of the C.M.A.

**DEPONENT**

Before Me Solemnly affirmed at \_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_\_\_\_  day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  20\_\_\_\_

**ADVOCATE**