**SUIT BY EXECUTORS/ ADMINISTRATORS OR REPRESENTATIVE UNDER LEGAL REPRES. SUITS ACT**

Nature of grievance:

***Suit by executors, administrators or representatives under the Legal Representatives Suits Act, 1855:***

Where some wrong acts have been committed against a deceased person during his lifetime and which has occasioned pecuniary loss to his estate, and for which wrong an action might have been maintained by such deceased person – A Suit may be filed by the executors, administrators or representatives under the Legal Representatives Suits Act, 1855, for damages / compensation, within one year from the date of the death of the person who was wronged, under Article 81 of the Indian Limitation Act, 1963.

Reliefs prayed:

 (As may be appropriate and applicable to the facts of one’s case)

a)     The Defendant be ordered and decreed to pay Rs.\_\_\_\_\_\_, as per the particulars of Claim, annexed to the Plaint at Exhibit “\_\_\_\_”;

b)     The Defendant be further ordered and decreed to pay interest on the Suit amount, @12% from the date of filing of Suit, till date of judgment; and further interest @6% from the date of judgment till payment.

c)     The Hon’ble Court be pleased to declare that \_\_\_\_\_\_\_\_\_\_\_  (declaration, in the absence of which the rights of the Plaintiff is frustrated);

d)     The Defendants be permanently injuncted from acting (permanently restrained from doing of certain acts), such acts which would otherwise frustrate the rights of the Plaintiffs, or such acts, which would otherwise run contrary to the rights of the plaintiff.

e)     The Defendants be ordered and decreed by way of Mandatory Injunction to \_\_\_\_\_\_\_\_\_\_ “perform certain acts”;

Interim and Ad-Interim Reliefs: Pending the hearing and final disposal of the Suit, the Hon’ble Court so as to prevent the ends of justice from being defeated, be pleased –

f)      The Hon’ble Court, in the dues exercise of their powers u/s 75 and O.26 of CPC, 1908, be pleased to appoint Court Commissioner, to hold a scientific, technical, or expert investigation; or to perform any other ministerial act.

g)     Interim/ad-interim reliefs in terms of prayer clauses \_\_\_\_\_ as aforesaid.

h)     Such further and other reliefs as this Hon’ble Court may deem fit and proper in the circumstances of the case as may be necessary.

Material facts of the case:

The Plaintiffs, most respectfully submit that, having regard to the nature of reliefs prayed for in this Suit, the following facts become germane to the controversy herein; And, the reasonable satisfaction of the existence or the non existence, as the case may be, of these facts, may entitle the Plaintiffs the judgment in their favour. The chronology / chain of events, which has led to the present situation, and has constrained the Plaintiffs to seek certain Reliefs from this Hon’ble Court. [In the chronology / chain of events, the following facts should be set out in clear terms, at appropriate juncture.]

1.      The facts showing that some wrong acts have been committed by Defendants against the deceased person during the deceased lifetime:

2.      The fact that such wrong acts has had occasioned pecuniary loss to the deceased estate:

3.      The fact that for the aforesaid wrong acts, the deceased might have initiated legal action against the Defendants:

4.      The fact that Plaintiffs are the executors, administrators or representatives of the said deceased:

[To claim any relief in the nature of declaration] The facts showing that the Plaintiff is entitled to some legal position, or to some property, or to some right of any nature whatsoever; and the facts and circumstances showing that the Defendant is doing some act by which the Defendant deny such rights of the Plaintiffs;

[To claim any relief in the nature of permanent injunction] The facts showing that the Plaintiff is entitled to some legal position, or to some property, or to some right of any nature whatsoever; and the facts and circumstances showing that the Defendant is doing some act by which the Defendant interferes with such rights of the Plaintiffs;

[To claim any relief in the nature of mandatory injunction] The facts showing that the Defendant is under obligation under the law or under the contract, to perform certain acts, which he is neglecting to do, and the Courts can compel performance of such acts, and the performance of such acts are essential pending the final disposal of the Suit, and the failure of performance of such acts may render the Suit infructuous.

If an interim Relief is asked for the appointment of Court Commissioner, to hold a scientific, technical, or expert investigation; or to conduct sale of property, etc. then facts showing that such investigation, etc. is just and necessary for the complete disposal of the Suit.