**SUIT FOR DECLARATIONS, OTHER THAN DECLARATION OF FORGERY OR OF ADOPTION**

Nature of grievance:

***Suit to obtain declarations, other than declaration of forgery of an instrument, or, declaration in respect of an adoption:***

Where any person, who is entitled to any legal character; or to any right as to any property, may institute a suit for declaration, against a person denying, or interested to deny, his title to such character or right, under Article 58 of the Limitation Act, 1963, within three years from the date when the right to move the court of law, first accrues.

Reliefs prayed:

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

a)     Be pleased to declare that Plaintiffs are entitled to \_\_\_\_\_\_\_ (the legal personality / legal position);

b)     That the defendant be permanently injuncted / restrained from interfering with the said rights of the Plaintiffs;

c)     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 –

d)     That pending the hearing and final disposal of the above suit, the Hon’ble Court, in the dues exercise of powers u/s 75 and O.26 of CPC, 1908, be pleased to appoint Court Commissioner, to hold a scientific, technical, or expert investigation; to perform any other ministerial act;

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

f)      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 the Plaintiffs are entitled to a legal personality / legal position:

2.      The facts showing that the Defendant is, expressly or by necessary implication, denying / interfering with Plaintiffs entitlement to such legal personality / position, and such denial has the propensity to impair the rights of the Plaintiffs, in the said legal position / personality:

3.      The facts showing as to whether the Plaintiffs is deprived of said entitlement, or if there is only an apprehension of deprivation:

[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.