**SUIT FOR THE PROFITS OF IMMOVABLE PROPERTY WRONGFULLY RECEIVED BY THE DEFENDANT**

Nature of grievance:

***Suit for the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant:***

Where a person has wrongfully / illegally received any profits arising out of an immovable property, which were lawfully due to any other person – the said other person, may file a Suit for the said profits of immovable property, under Article 51 of the Limitation Act, 1963, within three years from the date when the profits are received by the first referred person.

Reliefs prayed:

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

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

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

Interim and Ad-Interim Reliefs in respect of Suits involving Immovable property: 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 –

c)     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, so as to carry out local investigation of the Suit property described in the Schedule of properties being Exhibit “\_\_” hereto, (for the purpose of elucidating any matter in dispute, with all the powers under of the Code of Civil Procedure, and file Report before this Hon’ble Court;

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

e)     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 Plaintiffs is entitled for the rents / profits arising from the Suit property;

2.      The facts showing that the Defendants have wrongfully / illegally received such rents / profits from the said Suit property:

 [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.

Any other factual averments, having regard to the nature of Reliefs claimed.