**SUIT TO DECLARE THE FORGERY OF AN INSTRUMENT ISSUED OR REGISTERED**

Nature of grievance:

***Suit to declare the forgery of an instrument issued or registered: ‘;’***

Where any instrument which is issued or which is Registered, and which is alleged to have been forged – A Suit may be filed for the declaration, that the said instrument which is issued or Registered, is forged, within 3 years from the date, when the issuance or Registration of the concerned forged instrument becomes known to the person concerned, under Article 56 of the Indian Limitation Act, 1963.

Reliefs prayed:

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

a)     That the Suit Instrument at Exhibit “\_\_\_\_” be declared forged;

b)     That, all rights and liabilities, privileges or obligations, flowing from Suit Instrument be declared to cease to have effect;

c)     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.

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

Interim and Ad-Interim 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 –

e)     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; or to perform any other ministerial act.

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

g)     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 there is an Instrument, which records therein some rights, liabilities or obligations of any persons, including those of Plaintiffs and Defendants:

2.      The said instrument, if it is a Registered instrument, the factum of its Registration, and the date when the Plaintiffs becomes aware of said Registration:

3.      The facts alleging that the concerned instrument is a forged instrument, and name of the persons who alleged to have forged the said Instrument:

4.      The facts suggesting as to when the Plaintiffs becomes aware of alleged forgery:

5.      The facts suggesting as to when the alleged forged Instrument came into legal existence (if it is not a Regd. Instrument):

6.      The facts showing that alleged forgery seriously prejudices the rights of the Plaintiffs:

So as to claim Relief in the nature of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the Suit property, or to prevent dispossession of the plaintiff, or otherwise to prevent causing injury to the plaintiff in relation to the Suit property, and to seek appointment of the Receiver upon the Suit property, the applicable facts must be shown to exist, that is –

7.      Facts and circumstances showing that the (i) Suit property is in danger of being wasted, damaged or alienated by the Defendant; or that (ii) the Suit property is wrongfully being sold in execution of a decree; or that (iii) the defendant threatens, or intends to remove or dispose of his property with a view to defrauding his creditors; or that (iv) the defendant threatens to dispossess the plaintiff or (v) the defendant otherwise would cause injury to the plaintiff in relation to the 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.