IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C.S. (OS) NO \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

***IN THE MATTER OF****:*

**M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ...Plaintiff**

**VERSUS**

**M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ...Defendants**

**SUIT UNDER ORDER XXXVII OF THE CODE OF CIVIL PROCEDURE, 1908 FOR RECOVERY OF Rs. \_\_\_\_\_\_\_/- (RUPEES \_\_\_\_\_\_\_\_\_\_\_\_\_)**

**MOST RESPECTFULLY SHWETH**:

1. The Plaintiff is a Limited Company having its branch office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and having its Registered Office and Factory at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Plaintiff provides solution for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_technology, technological design and with highly skilled engineering team provides application oriented solutions that suits Indian Environment. The present Suit is being filed through **Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Manager Sales (North)**, the authorised Signatory of the Plaintiff who has been duly authorised vide Board Resolution dated 18th \_\_\_\_\_\_\_\_\_\_\_\_\_ to file the present Suit on behalf of the Plaintiff.
2. The Defendant No.1 is a Private Limited Company having its office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, India.
3. That the Defendant No.2 is the Director of Defendant No. 1 Company and is responsible for execution of all the functions related to the business of the Company.
4. That in the year \_\_\_\_\_\_\_\_\_\_ the Defendantsapproached the plaintiff to purchase \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Products and placed order to purchase products from the Plaintiff.
5. That the Plaintiff had sold \_\_\_\_\_\_\_\_\_\_\_\_\_\_ product worth **Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_/- (Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_\_)** to Defendant No. 1 and Defendant No. 1 through its staff had taken delivery of the product as per the details mentioned below.

**INVOICE NO. DATE AMOUNT**

1. That the Defendant No. 1 had made payment of Rs. \_\_\_\_\_\_\_\_\_\_\_ towards part payment against the above said invoices. There is a balance of **Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ only)** receivable by the Plaintiff against the above mentioned invoices.
2. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant No. 1 had issued a cheque **\_\_\_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_\_\_/- (Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_ only)** drawn on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the Plaintiff towards part payment against the remaining amount.

1. That the aforesaid cheque for Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **/- (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_only)** was presented by the Plaintiff to the bankers of Defendant No. 1 i.e. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .
2. That the said cheque had been dishonoured by bankers of Defendant No. 1 with the reason **"Exceeds Arrangement "** which was intimated to the Plaintiff by their Bankers \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through their cheque return memo dated **\_\_\_\_\_\_\_\_\_\_\_\_\_ received on \_\_\_\_\_\_\_\_\_\_\_\_\_.**
3. That thereafter in spite of many telephonic, e-mail reminders and personal visit by the staff of plaintiff, the Respondents failed to make the payment due to the Plaintiff.
4. That the Plaintiff issued a legal notice dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ demanding amount of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_ against the returned cheque, which was not replied by the Defendants.
5. That the Suit is within the period of limitation.
6. That the cause of action arose in favour of the Plaintiff and against the Defendants. The cause of action arose on 14-Jun-\_\_, 6-Jul-\_\_\_, 6-Jul-\_\_\_, 11-Sep-\_\_\_, when the Defendants purchased \_\_\_\_\_\_\_\_\_\_\_\_ product worth **\_\_\_\_\_\_\_\_\_\_\_ (Rupees \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_).** The cause of action arose when the Legal Notice dated \_\_\_\_\_\_\_\_\_ was send by registered post on \_\_\_\_\_\_\_\_\_\_\_\_ upon the Defendants.
7. That this Hon'ble Court is competent to try the present Suit as the Branch office of the Plaintiff through which the transactions are done is situated in its territorial jurisdiction.

In the facts and circumstances of case mentioned herein above this Hon’ble Court may graciously be pleased to:

**P R A Y E R**

a) pass a decree against the Defendants jointly and severally to pay the sum of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/- Along with pendent lite and future interest @24% per annum; and

b) Award the cost of suit in favour of the Plaintiff; and

c) Pass such other or further orders as this Hon’ble Court may deem fit in the facts and the circumstances of the case.

**Plaintiff**

Through

Advocate for the Plaintiff

Dated:

New Delhi

**VERIFICATION:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, the authorised representative of the Plaintiff do hereby verify that the contents of the para 1 to …... of the Plaint are true and correct to my knowledge and as derived from the records of the case, no part of it is false and nothing material has been concealed there from.

Verified at New Delhi on this............. day of ………, 20\_\_

**DEPONENT**

**LIST OF DOCUMENTS**

|  |  |  |
| --- | --- | --- |
| **S.NO.** | **PARTICULARS** | **PAGE NO.** |
| **1** | Copy of Board Resolution authorizing the Plaintiff’s authorized representative |  |
| **2** | Original Dishonored Cheque |  |
| **3** | Cheque Returning memo dated **\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |
| **4** | Copy of Legal Notice dated \_\_\_\_ |  |
| **5** | Postal Receipt No. \_\_\_\_\_\_\_\_\_\_\_ *dated \_\_\_\_\_\_\_\_.* |  |
| **6** | Copy of Invoices |  |
| **7** | Any Other document with the kind permission of the Hon’ble Court |  |

**Plaintiff**

Through

Advocate for the Plaintiff

Dated:

New Delhi