**AFFIDAVIT**

IN THE HIGH COURT OF....................

I. A. No..................... of 19....................

in

Suit No..................... of 19....................

A. B.................................................. Plaintiff/Applicant

*versus*

C. F........................................ Defendants/Respondents

Affidavit of Shri.............. S/o.................... Shri..................... R/o..................

I, the abovenamed deponent do hereby solemnly affirm and submit as under:

1. That I am defendant No. 3 in the above suit and as such conversant with the facts of the case.

2. That I have read the accompanying application and thoroughly understood the contents of the same.

3. That I say that the contents of the said application are true and correct.

Deponent

**VERIFICATION**

I, the abovenamed deponent, do hereby verify that the contents of the above affidavit are true and correct.

Verified at.................. This.................... day of.................... 19....................

Deponent.

**case law**

***Order 7 Rule 11***

**FURNISHING OF SEPARATE PARTICULARS.**

Where no separate particulars furnished for allegation of undue influence, the petition is liable to be dismissed under Order 7, Rull 111.

**DEFICIENCY IN COURT FEE.**

When the lower Appellate Court came to hold that the memorandum of appeal had not been sufficiently stamped, an opportunity should have been given by the court to the appellant to make good the balance court-fee within a time to be indicated2.

**AN ELECTION PETITION CAN BE SUMMARILY DISMISSED.**

An election petition can be summarily dismissed if it does not furnish cause of action in exercise of the powers under the Civil Procedure Code3.

**ELECTION PETITION.**

Representation of People Act, 1951 — Sections 83 and 123 — Election petition — Allegation of corrupt practice i. e. propagation of a deliberate false statement — Such a corrupt practice must be clearly alleged and cogently established — Evidence on record neither clear-nor cogent nor particulars furnished. Evidence too general to merit any acceptance on such a serious issue — High Court not justified in setting aside the election of a returned candidate on such flimsy, vague and uncertain evidence4.

**ELECTION PETITION TO CONTAIN CONCISE STATEMENT.**

An election petition should contain a concise statement of the material facts on which the petitioner relies and also set forth full particulars of corrupt practice including time and place at which the corrupt practice was committed. Failure to furnish such particulars, it was held would render election petition infirm and liable to be dismissed under Order VII Rule 11 C. P. C.5

***Order VII — Sections 107 (2) and 109***

**WHERE APPEAL INSUFFICIENTLY STAMPED.**

If the appellate court comes to conclusion that appeal had been insufficiently stamped, opportunity should be given to appellant to make good the balance court fee and in case of failure can dismiss it6.

**EXPRESSION "LAW" — MEANING OF.**

Expression "Law" in Order 7 Rule 11 Clause (d) will include the law of limitation also7.

1. Lalit Kishore Chaturvedi v. Jagdish Prasad Thada, A. I. R. 1990 S. C. 1731: 1990(1) J. T. 215.

2. Mohammad Mahibulla v. Seth Chaman Lal, A. I. R. 1993 Supreme Court 1241: 1991 (4) J. T. 1: 1991 Supp. (1) S. C. R. 179: 1991 (4) S. C. C. 529.

3. Ashar Hussain v. Rajiv Gandhi, A. I. R. 1986 Supreme Court 1253: 1986 (Supp.) S.C.C. 315.

4. K. V. Narayana Rao and Ors. etc. v. P. Purushotham Rao and Ors. etc., etc., 1992 (3) C. C. C. 825: A. I. R. 1993 S. C. 1698: J. T. 1993(1) S. C. 13: 1993 (2) S. C. J. 293: 1993 (2) S. C. C. (Supp. ) 90.

5. Lalit Kishore Chaturvedi v. Jagdish Prasade Thada, 1990 (Suppl). S. C. C. 248: A. I. R. 1990 S. C. 1731.

6. Mohammed Mahibulla v. Seth Chaman Lal, 1991 (3) C. C. C. 446 (S. C. ).

7. State Bank of India Staff Association v. Popal of Kotex Property, 2001 (4) CCC 46 (Cal.).