**AAPPLICATION UNDER ORDER 21, RULE 89, C. P. C.**

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

Suit No..................... of 200

**In the Matter of:**

A. B................................................................... Plaintiff

*versus*

CD............................................................... Defendant

**Most Respectfully Showeth:**

1. That it is submitted that the under-noted immovable property of the applicant-Judgment debtor had been sold at auction sale on.................... in execution of the decree.

(Description of property)

2. That the bid was knocked down in favour of................;...

3. That the total decretal amount together with costs is Rs.................... as specified in the proclamation of the sale.

4. That the amount of the purchase money stands deposited in this Hon’ble Court by the auction purchaser.

5. That the applicant judgment debtor is willing to deposit in this Hon’ble Court the decretal amount.

**PRAYER**

It is therefore most respectfully prayed that the sale of the property made by auction sale be set aside on deposit of Rs..................... the decretal amount by the applicant-Judgment debtor in this Hon’ble Court.

It is prayed accordingly.

Plaintiff

Through Advocate

Place:....................

Date:....................

**AFFIDAVIT**

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

Suit No..................... /200

**In the matter of**

AB........................................................... Plaintiff/Petitioner

*versus*

CD.................................................... Defendant/Respondent

**AFFIDAVIT**

I........................................................... resident of......................................... ........................................ do hereby solemnly affirm and declare as unden-

1. That I am the........................................ in this case and hence competent to swear this affidavit.

2. That the contents of the accompanying application are true and correct.

**DEPONENT**

**VERIFICATION**

Verified at.................... on this.................... day of.................... ........................................ that the contents of the above affidavit are true and correct to my knowledge.

**DEPONENT**

**PERIOD OF LIMITATION FOR MAKING DEPOSIT**

The period of limitation for making deposit, in an application to set-aside sale of immovable property under Order XXI Rule 89 of CPC 1908, is not 30 days from the date of sale (being the period prescribed in Order XXI Rule 92 C CPC) but 60 days from the date of sale (as prescribed in amended Article 127 of the Limitation Act, 1963).1

**EXECUTION OF DECREE — LIMITATION (ORDER 21 RULE 11 — ORDER 20 RULE 6-A)**

The starting point is date of decree and not date on which decree is actually drawn and signed.2

1. Dadi Jagannadham v. Jammulu Ramulu, 2001 (4) CCC 1 (SC).

2. West Bengal Essential Commodities Supply Corporation v. Swadesh Agro Farming and Storage Pvt. Ltd., AIR 1999 SC 3421.