**Case stated under order xxxvi, Rules 1, 2 C.P.C.**

**THIS AGREEMENT** made at ................on this ........day of ........................ between Sh........................., s/o Sh.....................r/o.................................. hereinafter referred to as " the Party of the First Part".

**And**

Sh. ..................,s/o..............................r/o .................................... hereinafter referred to as "the party of the Second Part" .

**WHEREAS**

1. There is a dispute between the parties, full particulars of which are stated in the Schedule to this deed;

2. The parties are interested in the decision of the following questions arising out of the dispute, viz.

(a)

(b)

(c) etc.,

3. The estimated value of the property in dispute (or, the estimated value of the act about the doing or refraining from doing the parties are in disagreement) is Rs.....................

4. The parties have agreed that a case be stated for the opinion of the court under Sec. 90 and Order XXXVI , Rules 1,2 of the Code of Civil Procedure, 1908;

**NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:**

(i) That the case as stated in the Schedule to this deed be referred to the court having jurisdiction for opinion on the questions as mentioned above;

(ii) That if the finding of the court on either of the above questions is in favour of "the Party of the First Part" in respect of any one or more of the matters mentioned in para1 of the schedule, then the Party of the Second Part shall pay to "the Party of the First Part" such sum in respect of such matters as is mentioned in para 2 of the schedule.

**IN WITNESS WHEREOF**, the parties hereunto have signed the agreement this..........................day of .................2010

**Witness:**

|  |  |
| --- | --- |
| **1.** | **The Party of the First Part** |
| **2.** | **The Party of the Second Part** |