**Civil drafting Stay application in Appeal under Order 43 of C.P.C.**

In the Court of ………………..

Civil Misc. Stay Application No……….of 20…….

(Under Section 151 of Civil Procedure Code)

Shri…………………………………….. …Appellant/Applicant

……………… …Defendant/Appellant.

*Versus*

……………… …Plaintiff/Respondent.

To

The Hon’ble Chief Justice and his Companion Judges of the aforesaid Hon’ble Court.

The humble application on behalf of the above named applicant most Respectfully showeth as under :

1. That the opposite party No. 1 ……………….filed a suit for permanent injunction in the Court of Civil Judge,………… being original Suit No………, ………. *v. ……….. with* the prayed that the respondent be restrained not to interfered in peaceful possession over the tank in dispute of an area ……….. Acres situated in plot No……….. The true copy of plaint is being filed herewith and marked as Annexure No. 1 to the affidavit.

2. That during the pendency of the suit the opposite party No. 1 moved an application for temporary injunction. The true copy of the aforesaid application is being filed herewith and marked as Annexure No.2 to the accompanying affidavit.

3. That the Lower Court on the application of the plaintiff opposite party No. 1 appointed a Amin Commissioner to submit its report. The Amin Commissioner report before the Court below on …………..

4. That the appellant-applicant on ……………filed the objection against the application of the plaintiff-opposite party moved for the temporary injunction. The true copy of the aforesaid objection of the applicant is being filed herewith and marked as Annexure No. 3 to the accompanying affidavit.

5. That the case of the appellant-applicant is this that he has been granted patta on …………20….. of an area …….. acres of North West portion of plot No. …….. The

6. That it is State that the Amin Commissioner submitted its report before the Court below on ……….20……. The counsel for the appellant-applicant prayed for time for filing objection against the report of the Amin Commissioner submitted on …..………. but the Lower Court refused to grant time and directed both the parties to argue on the said report and after hearing argument on merit reserved the judgment and pronounced the judgment on next day i.e. …………. It is also pertinent to mentioned here that the applicant filed his reply against the application of the plaintiff-opposite party No. 1 moved for temporary injunction on …………20…….

7. That it is stated that the court below relied upon the report of the Amin Commissioner without giving any opportunity to the applicant for filing objection against the same.

8. That the counsel for the appellant moved an application before the Court below on ………20..…. with the prayer that the applicant wanted to file the appeal against the order dated ………… and prayed that operation of the order be stayed for 15 days but the Court below rejected the application of the applicant.

9. That it is stated that the order of the Lower Court has not been given affect to so far hence it is expedient in the interest of justice that the Hon’ble Court be pleased to stay the operation of impugned so judgment and order dated ………. Passed in Original Suit No………… granting ad interim injunction, during the pendency of this appeal before this Hon’ble Court otherwise the applicant shall suffer irreparable loss and hardship.

PRAYER

It is, therefore, most respectfully prayed that this Hon’ble Court may graciously be cleared to allow this application and stay the operation of impugned judgment and order dated …..………… passed in Original Suit No…………………….…………. of 20..…….  *Shri…*………………………………. *v.* ………………………………. *and others* pending in the Court of Civil Judge, ………… during the pendency of this appeal before this Hon’ble Court or pass such other and further order as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Advocate for the Applicant

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