**Petition for leave under Order II, Rule 2 of the C.P.C**

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

PETITION NO. ……………… OF 2010

In the matter of Suit wherein the Petitioners are the Plaintiffs and ………………………. is the Defendant;

A n d

In the matter of leave under Order 2, Rule 2 of Civil Procedure Code, 1908 to omit to sue;

1. ……………………………. )

2. ……………………………. )

3. …………………………… )

all of Mumbai, Indian Inhabitants, )

residing at )

) … PETITIONERS

TO:

THE HON’BLE PRINCIPLE JUDGE AND OTHER

PUISNE JUDGES OF THIS HON’BLE

BOMBAY CITY CIVIL COURT AT BOMBAY

THE HUMBLE PETITION OF THE

PETITIONERS ABOVENAMED.

MOST RESPECTFULLY SHEWETH:

1. The Petitioners have filed the above Suit against the Defendant No. 1 and 2 inter alia for an order of Perpetual Injunction from in way trespassing upon and/or bringing any vehicles on any portion of the suit property or using and/or allowing use of the suit property described in Exhibit “A” to the plaint or any part thereof in any manner whatsoever and/or doing any construction work upon the property bearing C.S.No.………… of ………………….. Division.

2. The Petitioners are also entitled to file a suit against the Defendant for claiming damages in respect of the loss caused to the Plaintiffs by the fraud played upon by the Defendant No. 1’s and 2’s upon the Plaintiffs and the Defendant No.3. The Petitioners therefore crave leave of this Hon’ble Court under Order 2, Rule 2 of the Code of Civil Procedure, 1908, to omit to sue the Defendant No. 1 and 2 in respect of the Plaintiffs claim for damages other claims in respect of the cause of action.

3. The Petitioners therefore pray that -

(a) leave under Order II, Rule 2 of the Code of Civil Procedure 1908 be granted to the Petitioners to omit to sue the Defendants and the Plaintiffs be allowed to file separate suit or proceedings in respect of other reliefs flowing from the same cause of action as set out in paragraph No. \_\_ of the Plaint.

(b) That the costs of this Petition and Order to be made thereon be provided for.

For …………………………………………….

Advocates for the Petitioners. PETITIONERS

**VERIFICATION**

I, ……………………… of Mumbai, Indian Inhabitant, the Plaintiffs No.1 above named, having my office at …………………………….., do hereby solemnly declare that what is stated in paragraph 1 of the Petition is true to my own knowledge and what is stated in paragraph Nos.2 and 3 is on information and belief and I believe the same to be true.

Solemnly declared at Bombay ]

This ……… day of March, 2010 ]

Before me,

Advocates for the Petitioners.