

INTERROGATORIES

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ORDER-XI, RULE-1 OF C.P.C.

“Discovery by interrogatories.--In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the examination of the opposite-parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such person is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose: Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.”

ORDER-XI, RULE-2 OF C.P.C

“Particular interrogatories to be submitted.-- On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.”

The documents, the basis of the suit should be got produced before issuing notice to the defendants (emphasis added).

The parties where deemed necessary, should be directed to issue notice of admission or denial and production to each other as required under orders XI and XII before issues are framed (emphasis added).

The discretionary extension of time for filing of list of witnesses should be subject to very heavy fines.

In the Court of _____ Civil Judge,
Lahore.

Suit No. _____

C.M.NO. _____

In Re

A.B.C

(Plaintiff)

Versus

X.Y .Z

(Defendant)

SUIT FOR DECLARATION AND INJUNCTION ETC

Application on behalf of Plaintiff U/O-11 Rule-1 CPC For Leave of the Court to deliver Interrogatories in writing for examination and answer of the defendant of the Interrogatories appended with this Application.

Respectfully Sheweth:-

1. That the above titled case is pending in this Honourable Court. A cursory view of the suit/pleadings reveals that the entire or substantial controversy revolves around the documents relied upon and appended with the plaint. The oral evidence is scarcely needed to adjudicate upon the case. As a matter of fact the entire case can easily be decided on merits through discovery by Interrogatories under Order-11 of CPC. Therefore, the defendant may kindly be directed to admit or deny on oath the documents listed in the attached notice. It is imperative for doing quick and complete justice.

2. That the purpose of this application is to save expense by enabling the plaintiff to obtain from the defendant information as to facts material to the questions in dispute between the parties and to obtain admissions of any facts which he has to prove on any issue which is raised by them.

3. That the Interrogatories appended herewith must be allowed in the interest of justice because the answer to the same by the defendant will serve either to maintain the case of the plaintiff or to destroy the case of the defendant.

4. That under Rule-1 of Order-11 CPC a party is entitled to interrogate his opponent with a view to ascertain what case he has to meet and facts relied upon and to limit the generality of the pleadings and to find out what is really in issue.

5. That the Interrogatories appended herewith are aimed to find out any link in the chain of evidence necessary to support the plaintiff's case and to find out any admissions on the part of the defendant.

6. That if this application is allowed by this Honourable Court, the time for concluding the trial would be cut short substantially and will also save the expenses of the litigants. The applicants are willing to pay the costs.

PRAYER

Under the circumstances it is respectfully prayed that the application may kindly be accepted granting leave of the court to put the Interrogatories after the required notice, in the interest of justice.

Any other order in the circumstances of the case may also be passed.

Applicant/Plaintiff

Through

Counsel.

Interrogatories

Q.No.1

Is it correct that you entered into an _____ Agreement with Plaintiff for selling complete four bedroom House No.____, covered area____ (super luxury) in your Housing Scheme namely, “_____” located at _____ for a total sum of Rs. ____/- after receiving booking price to the _____ tune of 25% of the total price i.e. Rs._____-/- from the plaintiff?

Q. No.2

Is it correct that you also received the next instalment 25% of the total price i.e. Rs. _____/- on _____?

Q.No.3

Is it correct that you are required to give possession and the title of the house within 18-months of the agreement i.e. by _____ ?

Q.No.4

Is it correct that at the request of the plaintiff you enhanced the size of the T.V Launch by 5-feet wide request dated _____, meaning thereby, that after about one year the house was still at the stage of foundations and the plaintiff had paid 61.25% of the total price?

Q.No.5

Is it correct that inspite of several requests by the plaintiff you never gave/issued final bill of dues nor did you give any intimation of the completion of the house while it was due to be delivered on_____?

Q.No.6

Is it correct that you have still not given the possession of the house as per terms of the Agreement?

Q.No.7

Is the following chart of the payments made by the plaintiff to you, is correct?

Rs. _____/- dated _____

Rs. _____/- dated _____

Rs. _____/- dated _____

Rs. _____/- dated _____

Rs. _____/- dated _____

Rs. _____/- dated _____

Q. No. 8.

Is it correct that as per the laws and rules of the LDA, the subject plot is or has been mortgaged in favour of LDA?

Q. No.9.

If the answer of above Q. No.8 is in positive, when did the redemption from LDA took place enabling you to transfer the plot / house to the plaintiff?

Q. No.10.

Have you constructed the subject house unauthorizedly without the permission of LDA or other relevant authorities?

Q. No.11.

Is it correct that you have become a defaulter, in breach of contract, since _____ because of not delivering the house and its title to the plaintiff on the agreed upon date?

NOTICE

In Re

A.B.C

(Plaintiff)

Versus

X.Y .Z

(Defendant)

To

M/S _____

Sub:-

Notice U/O-12 Rule-2 CPC read with Section 151 CPC

on behalf of Plaintiffs to the above addressed defendant TO

ADMIT OR DENY DOCUMENTS ON OATH in the case titled

above.

Dear Sir,

Take notice that the plaintiff in this suit proposes to adduce in evidence the several documents hereunder specified, and the same may be inspected by the defendant or his pleader or agent at _____ /office of the counsel of the plaintiff _____ on _____, between the hours of _____ a.m to _____ p.m. and the defendant is hereby required within 48 hours from the last mentioned hour, to admit that such of the said documents as are

specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified are true copies; and such documents as are stated to have been served, sent or delivered, respectively, saving all just exceptions, to the admissibility of all such documents as evidence in this suit.

Counsel for the plaintiff

List of Documents

From

Counsel of the plaintiff

To

Counsel (Agent) of the defendant

1. Original Agreement dated _____
2. Specifications of material and finishing which is Annex-B to the original agreement.
3. Original Plan/ Layout and Site Plan of the House having total covered area of 4000 Sf which is Annex-D of the original agreement.
4. The schedule of payment with the original agreement.

5. Defendant's receipts No. _____
dated _____ acknowledging receipt of
Rs. _____, No. _____ dated _____
acknowledging receipt of Rs. _____,
No. _____ dated _____ acknowledging
receipt of Rs. _____, No. _____
dated _____ acknowledging receipt of
Rs. _____/-, No. _____ dated _____
acknowledging receipt of Rs. _____,
No. _____ dated _____ acknowledging receipt
of Rs. _____/-

6. Plaintiff's letter dated _____

admitting the delay in construction.

7. Plaintiff's letter dated

8. Defendant's letter dated
