Draft/Specimen/Format:

Suit for recovery of Damages on account of MALICIOUS PROSECUTION

along with Written Statement

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IN THE COURT OF SENIOR CIVIL JUDGE, LAHORE

CIVIL SUIT NO:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/2014

MUHAMMAD ALI ANJUM, SON OF ANJUM KHAN, RESIDENT OF HOUSE NO.66, STREET NO. 1, EGERTON ROAD, LAHORE.

…….PLAINTIFF

V E R S U S

HASEEB KHAN, (ASSISTANT SUPERINTENDENT OF POLICE) SON OF WALI MUHAMMAD, RESIDENT OF KHAN ARCADE, WAHDAT ROAD, LAHORE.

……DEFENDANT

S U I T FOR RECOVERY OF RS. 10 MILLION AS DAMAGES FOR MALICIOUS PROSECUTION.

Respectfully Sheweth:

1. That succinctly stated on 22nd August, 2012, the above named defendant instituted a criminal complaint against the plaintiff alleging that the plaintiff had beaten him on a highway; in pursuance of the said complaint, the defendant obtained a warrant of arrest from the Court of Mr. Ijaz Ahmad Rana, Magistrate 1st Class, against the plaintiff and the plaintiff was arrested thereunder on 28th of September, 2012 and he was put behind the bars where he remained for 2 days.

2. That eventually, on trial, the complaint failed and the charges leveled by the defendant proved to be false and the plaintiff was honorably acquitted on 5th of September, 2014.

3. That in instituting the said prosecution, the defendant acted maliciously and without a reasonable cause. The sold object of the defendant was to bring pressure to bear upon the plaintiff to effect compromise in a civil suit pending between the parties.

4. That in consequence of the prosecution and arrest, the plaintiff suffered pain of body and mind and was prevented from transacting his business and was injured in his credit, and incurred expenses in obtaining his release from the lock-up and in defending himself in the said complaint.

5. That the following estimates his damages for the aforementioned injury:

(a) Loss of business 5 Million

(b) Damages for pain suffered in body 3 Million

(c) Expenses of witnesses 1 Million

(d) Counsel’s fee 1 Million

Total: 10 Million

6. That the defendant was asked to pay up the said amount through a notice in writing but neither he paid the damages nor he replied thereto.

7. That the cause of action arose against the defendant on 22nd August, 2012 when the defendant filed false complaint against the plaintiff and same is still continuing.

8. That the cause of action arose at Lahore where the false complaint was instituted by the defendant, therefore, this Learned Court has jurisdiction to try the instant suit.

9. That the value of the suit for the purposes of Court fee and jurisdiction is Rs. 10 Million; hence, court fee of Rs.15000/- has been appended with the plaint.

P R A Y E R

In aforementioned circumstances, it is humbly prayed that a decree for a sum of Rs. 10 Million may be passed in favour of the plaintiff and against the defendant as damages for malicious prosecution.

PLAINTIFF

[MUHAMMAD ALI ANJUM]

THROUGH

………………….

Advocate High Court

VERIFICATION:

Verified on oath at Lahore on this \_\_\_ day of December, 2014 that the contents of paragraphs No. 1 to 6 are correct to the best of my knowledge and the contents of paragraphs 7 to 9 are true to the best of my belief.

PLAINTIFF

 **WRITTEN STATEMENT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_---

IN THE COURT OF MR. RAFAQAT ALI SHAHID, LEARNED CIVIL JUDGE 1ST CLASS, LAHORE

CIVIL SUIT NO:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/2014

MUHAMMAD ALI ANJUM VERSUS HASEEB KHAN

(Suit For Recovery Of Damages For Malicious Prosecution)

WRITTEN STATEMENT ON BEHALF OF THE DEFENDANT

Respectfully Sheweth:

1. The contents of the paragraph under reply are admitted to be correct.

2. It is correct that vide judgment dated 05.09.2014 passed by Learned Magistrate, the plaintiff has been acquitted, however, appeal against acquittal filed by the defendant is pending for adjudication before Honourable High Court, Lahore, wherein notice has been issued to the plaintiff.

3. Denied. The para under reply is an outcome of cock and bull story. It is not correct that the answering defendant filed the complaint maliciously and without a reasonable cause. Pendency of civil suit between the parties had nothing to do with the complaint filed by the defendant. The complaint filed by the defendant was based upon true facts and he is confident that his appeal filed against the acquittal will be accepted.

4. Denied. The para under reply is a pack of lies. Neither he suffered any pain of body nor was he prevented from running his business.

5. Denied. No cause of action whatsoever has arisen in favour of the plaintiff to claim damages for malicious prosecution. The estimated damages as mentioned in para under reply are false and frivolous.

6. Denied. The defendant never received any notice from the plaintiff in this regard.

7. Denied. No cause of action has in favour of the plaintiff and against the defendant.

8. Legal.

9. Denied. The plaintiff has not annexed requisite court fee.

P R A Y E R

It is therefore, prayed that titled suit may kindly be dismissed with costs.

DEFENDANT

THROUGH

NAME OF THE COUNSEL

Advocate High Court

VERIFICATION:

Verified on oath at Lahore on this \_\_\_ day of December, 2014 that the contents of paragraphs No. 1 to 6 are correct to the best of my knowledge and the contents of paragraphs 7 to 9 are true to the best of my belief.

DEFENDANT