

IN THE COURT OF THE HON'BLE I JUNIOR CIVIL JUDGE,
CITY CIVIL COURT

AT: SECUNDERABAD

I.A No. OF 2024

IN

I.A No. OF 2024

IN

O.S NO. 523 OF 2023

Between:

Nisha Shah

...Petitioner/Respondent/Defendant

AND

Gaurang J. Mody

...Respondent/Petitioner/Plaintiff

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT

I, Gaurang J. Mody, S/o. Late Sri Jayantilal Mody, Aged about 54 yrs, Occ. Business, R/o. Flat No. 105, Sapphire Apartments, Chikoti Gardens, Begumpet, Hyderabad – 500016, the Respondent/Petitioner/Plaintiff herein, do hereby solemnly state and affirm on oath as under:

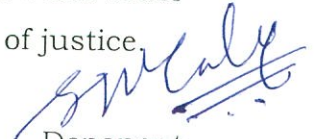
1. At the outset, it is most humbly submitted that the instant petition is *ex-facie* not maintainable in facts or in law. The instant Petition is entirely lacking in any merit or substance, is replete with baseless and unnecessary claims and has merely been filed as a delaying tactic by the Petitioner.



2. It is submitted that the Respondent filed its Rejoinder along with a Permission Petition before this Hon'ble Court with a complete affidavit consisting of 4 paras. However, due to an oversight, an incomplete affidavit in the Permission Petition was inadvertently served on the Petitioner. Upon being notified of the same, this error was brought to the notice of the Hon'ble Court and was rectified. The Respondent has served the Permission Petition with a complete affidavit on February 27, 2024 and the Petitioner has acknowledged the same.
3. It is mostly humbly submitted that, the Petitioner's prayer in the instant petition seeking a direction to the Respondent appear for cross-examination on the ground that it is necessary for 'eliciting the true facts' is baseless and unwarranted. It is not necessary at this juncture for the Petitioner to cross-examination the Respondent merely to ascertain the necessity for filing of rejoinder which can be ascertained by this Hon'ble Court from a perusal of the pleadings and the submissions made by the counsels. The instant petition seeking cross-examination under Order 19 Rule 2 thus only appears to be a mere tactical maneuver, intended to unnecessarily consume the time of this Hon'ble court, delay the proceedings and harass the Respondent.
4. In any event, any cross-examination of the Respondent is unnecessary and uncalled for at this juncture as the Respondent will, in any case, appear for cross-examination at the stage of trial of the suit.
5. It is therefore most humbly submitted that the instant petition is not maintainable and has been filed without any basis or reasoning and is liable to be rejected at the very outset.



In view of the above, it is most humbly prayed that this Hon'ble Court may be pleased to dismiss the instant Petition and pass such other order or orders as this Hon'ble Court may deem fit in the interest of justice.


Deponent

Sworn and signed before me on
this the 11th day of March 2024

Advocate/ Hyderabad

VERIFICATION

I, Gaurang J. Mody, S/o. Late Sri Jayantilal Mody, Aged about 54 yrs, Occ. Business, R/o. Flat No. 105, Sapphire Apartments, Chikoti Gardens, Begumpet, Hyderabad – 500016, do hereby verify and declare that the contents of the above counter affidavit are true and correct to the best of my knowledge, belief and information and advice and I believe the same to be true and correct. Hence, verified on this the day of March 2024 at Hyderabad.


DEPONENT

IN THE COURT OF THE HON'BLE I
JUNIOR CIVIL JUDGE, CITY CIVIL
COURT
AT SECUNDERABAD

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COUNTER AFFIDAVIT ON BEHALF
OF THE
RESPONDENT/PETITIONER/
PLAINTIFF

Filed on: 11/03/2024
Filed by:

SHARATH CHANDUPATLA
AABHA MIRZA

ADVOCATES

COUNSEL FOR THE
RESPONDENTS/PETITIONERS/
PLAINTIFFS

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