

Specimen Form of Appeal to the High Court

IN THE HIGH COURT OF..... AT.....

CIVIL APPELLATE JURISDICTION

REGULAR CIVIL APPEAL NO..... OF

IN THE MATTER OF:

A.B.C. Company Ltd. a company incorporated under the provisions of the Companies Act and having its registered office.....

...Appellant

Versus

M/s..... a partnership concern

(or XYZ company Ltd., a company incorporated under the Companies Act and having its registered office at.....)

...Respondents

May it please the Hon'ble Chief Justice of the High Court of..... and his Lordship's companion Justices,

The appellant-company

MOST RESPECTFULLY SHOWETH:

1. That the appellant herein is a company duly registered under the provisions of the Companies Act and the registered office of the appellant is at..... and the company is engaged in the business of manufacturing.....
2. That the respondents who are also doing business of selling goods manufactured by the appellants and other manufacturers approached the appellant for purchasing from the appellant-company the aforesaid manufactured goods. An agreement was reached between the parties which was reducing into writing. The appellant supplied goods worth Rs. 15 lacs over a period of..... months to the respondents. A statement of account regarding the goods so supplied is annexed hereto and marked as *ANNEXURE A-1*.
3. That the respondents have made a total payment of Rs. 6 lacs on different dates. The statement of the said payments made by the respondents is appended and is marked as *ANNEXURE A-2*.
4. That the remaining amount has not been paid by the respondent despite repeated demands and issuance of a legal notice by the appellant through advocate.
5. That the appellant filed a suit for recovery of the aforesaid balance amount of Rs. 9 lacs together with interest at the rate of 12% per annum and the cost of the suit. The suit was filed on..... in the court of the learned District Judge.
6. That upon being summoned by the said court the respondents appeared through counsel and filed their written statement to which appellant-plaintiff also filed replication (rejoinder).
7. That the parties led evidence. After hearing the counsel for the parties the learned District Judge has by his judgement and decree passed on..... dismissed the appellant's suit on the ground that the evidence led by the parties does not establish the claim of the appellant-plaintiff. Copies of the judgement and decree of the court below are annexed hereto and are marked as *ANNEXURE A-3 AND A-4*, respectively.

Aggrieved by the aforesaid judgement and decree of the court below dismissing the suit of the plaintiff this appeal is hereby filed on the following, amongst other,

GROUND

- A. That the judgement and decree under appeal are erroneous both on facts as well as law.

- B. That the learned trial court has failed to properly appreciate the evidence, and has fallen into error in not finding that the preponderance of probability was in favour of the plaintiff-appellant.
- C. That there was sufficient evidence led by the plaintiff to prove the issues raised in the suit and the defendant-respondent has failed to effectively rebut the plaintiff's evidence, more particularly the documentary evidence.
- D.
- E.
- F.
- 8. That the valuation of this appeal for the purposes of payment of court-fee is fixed at Rs..... and the requisite court fee in the form of stamps is appended to this memorandum of appeal.
- 9. That this appeal is being filed within the prescribed period of limitation, the judgement and decree under appeal having been passed on.....

In the above facts and circumstances the appellant prays that this appeal be allowed, the judgement and decree under appeal be set aside and the decree prayed for by the appellant in his suit before the court below be passed together with up-to-date interest and costs of both courts.

APPELLANT

VERIFICATION

Verified at..... on this, the..... day of....., 20.... That the contents of the above appeal are correct to the best of my knowledge and belief.....

APPELLANT

THROUGH

(.....)