

Sunder Industries and ors. Vs. General Engineer Works

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Court : Delhi

Decided On : Jan-07-1982

Reported in : AIR1982Delhi220; 21(1982)DLT53; 1982(3)DRJ130; 1982RLR133

Judge : Sultan Singh, J.

Acts : [Code of Civil Procedure \(CPC\), 1908](#) - Order 19, Rule 3(1)

Appeal No. : Civil Revision Appeal No. 1165 of 1981

Appellant : Sunder Industries and ors.

Respondent : General Engineer Works

Advocate for Pet/Ap. : J.B. Goel and; Jawahar Chawla, Advs

Judgement :

(1) The verification on the affidavit in support of summons for judgment reads as under :-

'VERIFIED at Delhi on this 5th day of August 1981 that the contents of my above affidavit are true and correct to my best knowledge and belief and nothing has been concealed there from'.

(2) Similarly the verification on the affidavit in reply to the application for leave to defend reads as under :-

'VERIFIED at Delhi on this 23rd day of September 1981 that the contents of all the aforesaid paras and sub-paras of my above affidavit are true and correct to my personal knowledge, knowledge from the records and the information received and the legal advice sought and believed to be true and correct and nothing has been concealed there from'.

(3) Order 19 Rule 3(1) of the Code of Civil Procedure provides,

'AFFIDAVITS shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted : provided that the grounds thereof are stated'

Thus affidavits are either affirmed as true to knowledge, or from information received provided the source of information is disclosed, or as to what the deponent believes to be true provided the grounds for such belief are stated. If the affidavit lacks such verification it is of no use. In *A. K. K. Nambiar v. Union of India and another*, : [1970]3SCR121 , it has been observed that if affidavits were not properly verified they cannot be admitted in evidence. It, therefore, must be held that two affidavits filed on behalf of the plaintiff are value less.

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