

**Affidavit for Declaration of loss of Negotiable Instrument by Banker under Order VII Rule 16 of Code of Civil Procedure.**

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**IN THE COURT OF \_\_\_\_\_ AT NEW DELHI**

**ORIGINAL PETITION NO \_\_\_\_\_ OF 20\_\_\_\_**

**IN THE MATTER OF:**

MR. \_\_\_\_\_

.....Plaintiff

**VERSUS**

MR. \_\_\_\_\_

.....Defendant

**AFFIDAVIT**

I, \_\_\_\_\_, son of Shri \_\_\_\_\_, aged about \_\_\_\_ years, residing at \_\_\_\_\_, New Delhi - \_\_\_\_\_, do hereby solemnly affirm and declare as follows:

- That I am the Branch Manager of the \_\_\_\_\_ Branch of the plaintiff bank. I am thoroughly familiar with the facts and circumstances of this case, duly authorised, and competent to affirm this affidavit, and for ease of reference, I shall hereinafter be referred to as the plaintiff bank.
- That the defendant named above had issued Cheque No. \_\_\_\_\_ dated \_\_\_\_\_ for an amount of Rs. \_\_\_\_\_ payable to \_\_\_\_\_.
- That the said cheque was presented by the defendant on \_\_\_\_\_ for collection through the plaintiff bank.
- That in the ordinary course of business, the cheque was dispatched by post to \_\_\_\_\_ Bank for collection.
- That subsequently, the defendant requested the plaintiff bank to credit and permit withdrawal of Rs \_\_\_\_\_, representing the amount of the said cheque,

and relying on good faith, the plaintiff bank allowed the defendant to withdraw the said funds on \_\_\_\_\_.

- That upon making enquiries, the \_\_\_\_\_ Bank, \_\_\_\_\_, informed the plaintiff bank through their letter dated \_\_\_\_\_ that the aforesaid cheque was never received by them.
- That it has thus become evident that the cheque was lost in transit.
- That under these unforeseen circumstances, the plaintiff bank requested the defendant to issue a replacement cheque in substitution of the lost instrument, but the defendant declined to comply with this request.
- That it is manifest from the facts stated above that the cheque went missing due to factors beyond the plaintiff bank's control and not due to any wilful act, omission, negligence, or fault on its part.
- That the plaintiff bank further undertakes that in the event the lost cheque is located at any point in the future, the same shall be produced before this Hon'ble Court without delay.

**DEPONENT**

#### **VERIFICATION**

I, the above-named deponent, do hereby verify that the statements made in this affidavit are true and correct to the best of my personal knowledge and that nothing material has been concealed or misstated.

Verified at New Delhi on this \_\_\_\_\_ day of \_\_\_\_\_,  
20.

**DEPONENT**