

No. 17

**Third Party Notice. Re: Contribution or Indemnity. (Rule 108)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. OF 19

..... PLAINTIFF.

versus

..... DEFENDANT.

To

Mr. X.Y.

Take notice that this suit has been brought by the plaintiff against the defendant- (here state concisely the nature of the plaintiff's claim) as surety for M. N. upon a bond conditioned for payment of ..... and interest to the plaintiff.

The defendant claims to be entitled to contribution from you to the extent of one-half of any sum which the plaintiff may recover against him, on the ground that you are his co-surety under the said bond; or, also surety for the said ..... on respect of the said matter under another bond executed by you in favour of the said plaintiff, dated the ..... day of .....

OR

as acceptor of a bill of exchange for ..... dated the ..... day of ..... drawn by you upon and accepted by the defendant and payable three months after date.

The defendant claims to be indemnified by you against liability under the said bill on the ground that it was accepted for your accommodation

OR

to recover damages for a breach of contract for the sale and delivery to the plaintiff of ..... tons of .....

The defendant claims to be indemnified by you, against liability in respect of the said contract, or any breach thereof on the ground that it was made by him on your behalf and as your agent.

And take notice that, if you wish to dispute the plaintiff's claim in this suit as against the defendant or your liability to the defendant you must enter an appearance in person or a vakalatnama within two weeks from the service of this notice and file within two weeks thereafter an affidavit in reply to the affidavit of the defendant dated ..... in support of the third party notice setting out briefly your case with regard to the third party notice as well as your case, if any, with regard to the plaint.

And whereas the suit will be placed for direction on the board of the Judge in Chambers on the ..... day of ..... 19 .

You are hereby required to appear before the Judge in Chamber on the said ..... day of ..... 19 at 11 O'clock in the forenoon, either in person or by an Advocate entitled to practice in this Court duly instructed and able to answer all material questions relating to the suit and/or the third party notice, and take notice that on the day aforementioned after hearing parties who appear directions will be given by the Judge as to the date of trial and other matters concerning the suit and the third party notice; And take notice that if you fail to enter an appearance in person or a vakalatnama and to file an affidavit in reply as hereinbefore stated or to appear before the Judge on the day aforementioned, you will be deemed to admit the claim stated in this notice and will be bound by any judgment or decision given in the suit, whether by consent or otherwise in so far as it is relevant to any claim stated in this notice and the Court may pass against you such decree in favour of the defendant as the nature of the case may require.

Dated this ..... day of ..... 19 ,

Prothonotary and Senior Master.

Advocate for the Defendant.