**AFFIDAVIT**

IN THE COURT OF.................................................

Suit No.................................. /200

**In the Matter of**

AB................................................... Plaintiff/Petitioner

*versus*

CD........................................... Defendant/Respondent.

**AFFIDAVIT**

I................................................................... resident of .................................................................................. do hereby solemnly affirm and declare as under: -

1. That I am the................................. in this case and hence competent to swear this affidavit.

2. That the contents of the accompanying application are true and correct.

**DEPONENT**

**VERIFICATION**

Verified at................................. on this................................. day of ................................. that the contents of the above affidavit are true and correct to my knowledge.

**DEPONENT.**

**NON-APPEARANCE OF APPELLANT DUE TO ABSENCE OF ADVOCATE PURSUANT TO STRIKE**

***Order 9 Rule 13***

Where the non-appearance of appellant company was attributable entirely due to absence of Advocate pursuant to strike call *ex-pane* order was set aside subject to payment of cost. Party was directed to realise half of amount of cost from Advocate concerned.1

**SETTING ASIDE *EX-PARTE* DECREE**

***Order 9, Rule 13***

Under Order 9, Rule 13, C. P. C. an *ex-parte* decree passed against a defendant can be set-aside upon satisfaction of the Court that either the summons were not duly served upon the defendant or he was prevented by any ‘sufficient cause’ from appearing when the suit was called on for hearing.2

1. Ramon Services Pvt. Ltd. v. Subhash Kapoor, AIR 2001 SC 208.

2. G. P. Srivastava v. R. K. Raizada, AIR 2000 SC 1221.