**AFFIDAVIT**

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

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

**In the matter of**

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

*versus*

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

**AFFIDAVIT**

I............................................................. S/o.................................................. resident of.......................................................... do hereby solemnly affirm and declare as unden-

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.**

**CASE LAWS**

**DISMISSAL OF SUIT IN DEFAULT**

***Order 9, Rule 4***

Where neither the plaintiff or his counsel nor defendant or his counsel were present and the suit was dismissed in default, no prior notice to defendant for restoration of suit is necessary. The defendant having been proceeded *ex-pane* for not putting in appearance cannot also question the propriety of order of court condoning delay in moving application for restoration of suit.1

**APPLICATION FOR SETTING ASIDE DISMISSAL WITHOUT SIGNATURE OF APPLICANT AND NOT ACCOMPANYING VAKALATHNAMA**

***Order 9, Rule 4***

The application for setting aside dismissal of suit and restoration of suit on file without signature of applicant and not accompanying the Vakalathnama of Advocate attending the case is not maintainable.2

1. H. P. Financial Corporation v. M/s. Puneet Printers, AIR 2001 H. P. 13.

2. Prafullachandra Bidwai v. AIMS, AIR 2001 Delhi 19.