**APPLICATION UNDER ORDER 11, RULE 21, C. P. C.**

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

Suit No..................... of 19........................................

C. D................................................................... Plaintiff

*versus*

C. F................................................................ Defendant

The applicant most respectfully submits as under:

1. That the applicant had already delivered by leave of the court a set of interrogations to be answered by the defendant on.................... (date).

2. That the defendant has failed to comply with the orders of this Hon’ble Court to answer the aforesaid interrogatories,

3. That in view of the above, the defendant is liable to have his defence struck out.

**PRAYER**

It is most respectfully prayed that the defence of the defendant may be ordered to be struck out.

It is accordingly prayed.

Plaintiff

Through

Advocate

Place:.....................

Dated:.....................

**CASE LAW**

***Order 11 Rule 21***

**STATEMENT OF WITNESSES.**

The mere statement of the plaintiff s witnesses cannot constitute the plaintiff s evidence in the case unless and until it is tested by cross-examination1.

**PARTIAL DECREE.**

On the uncontested part the trial Court was obliged to pass a partial decree in favour of the plaintiff even though he and his counsel were absent on the date when action was taken under Order XI Rule 21 of the Civil Procedure Code2.

1. Modula India v. Kamakshya Singh Deo, A. I. R. 1989 Supreme Court 162: 1988(4) S. C. C. 619: 1988 (4) J. T. 214: 1988 Rajdhani L. R. 598: 1988 (2) Ren. C. R. 530: 1988 (2) Ren. C. J. 525.

2. Calcutta Port Trust v. Shalimar Tar Products Ltd., A. l. R. 1991 Supreme Court 684: 1991 (1) L. J. R. 929: 1991 (5) J. T. 416: 1991 Supp. (2) S. C. C. 513.