**APPLICATION UNDER ORDER *9,* RULE 4, C. P. C.**

APPLICATION FOR SETTING ASIDE *EX-PARTE* ORDER WHERE BOTH PARTIES WERE ABSENT.

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

Application No...................... of 19...............

Under Order 9, Rule 4 C. P. C.

in

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

......................................................................... Plaintiff

*versus*

...................................................................... Defendant

Application of the plaintiff for setting aside the ex-parte order dated ..................... 19.....................

Sir,

The plaintiff most respectfully submits as under:

1. That the suit was fixed for framing issues on............ 19...............

2. That the plaintiff was coming to the Court from his village by bus No. ...... of the............. in the morning, but the said bus became out of order due to some mechanical defect, and took two hours in its repairing. Accordingly the petitioner became late in attending the court as there was no other bus as well available at that time, and the plaintiff was detained by the said cause beyond his control.

3. That the defendant also did not appear on that date in the suit proceeding, and as such the suit was dismissed in default of both the parties on the said date.

4. That when the plaintiff reached the Court the case had already been called out and dismissed in default of the parties.

5. That it is expedient that the suit may be restored to its original number and disposed of after hearing the parties.

**PRAYER**

It is, therefore, most respectfully prayed that your Honour may be pleased to set aside the *ex-parte* dismissal order dated..................... and the suit may be restored to its original number and disposed of on merits after taking evidence and hearing the parties.

It is accordingly prayed.

Applicant

Through Advocate

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

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