

**Precedent No. 13**

**AFFIDAVIT: FOR SETTING ASIDE AN EX-PARTE ORDER -SECTION 5 OF THE  
LIMITATION ACT**

**BEFORE THE HON'BLE CIVIL COURT**

**IA No.....of 20.....**

**In**

**O.S. No.....of 20.....**

**IN THE MATTER OF**

**A.B.**

**.....PETITIONER**

**VERSUS**

**B.C**

**.....RESPONDENT**

**AFFIDAVIT**

I,....., S/o..... aged..... years, presently residing at  
....., do hereby solemnly affirm and state as follows:

1. I am the defendant in the suit referred to above and the petitioner in the accompanying application. I am well-acquainted with the facts of the case and stand fully competent to swear to this affidavit.
2. At the time when the summons pertaining to the case in question was served on me, I was medically unfit to receive the same or even understand the contents of it and the accompanying plaint. I had met with a major accident two days prior to the service of the said summons and was recuperating in..... hospital, under the treatment of Dr.....
3. In the meanwhile, my servant had received the aforesaid summons. The said servant, being uneducated and unaware of the magnitude and importance of the said summons did not inform me of any such receipt.
4. I was discharged from the aforementioned hospital four days ago and am still recuperating. Therefore, it is not owing to any default or laches on my part, but due to the reasons stated above, that the delay was caused. Dr....., has issued

me a Medical Certificate on ..... The same is produced  
herewith and may be marked Ex. P-1.

Sd./

Deponent

### VERIFICATION

Verified at..... on this the..... day of ....., 20....., that the  
contents of the above affidavit are true and correct to the best of my knowledge, belief and as  
per information received by me from experts and nothing material has been concealed  
therefrom.

Sd./

Deponent

Solemnly affirmed and signed before me by the deponent, who is personally known to me,  
on this the..... day of....., 20.....

Sd./

Counsel for the deponent

**Note:** Affidavit to be attested by the appropriate authority prescribed under law.