

Precedent No. 5

**AFFIDAVIT: UNDER ORDER IX, RULE 9 OF THE CODE OF CIVIL PROCEDURE,
1908- RESTORATION OF SUIT DISMISSED FOR DEFAULT**

In the Court of
Miscellaneous Application No of 20

In
Original Suit No..... of 20

IN THE MATTER OF:

A.BPLAINTIFF

VERSUS

B.C ...DEFENDANT

AFFIDAVIT

I....., son of Shri....., aged aboutyears, resident
of.....

I, the abovenamed deponent, do solemnly affirm and state as follows:

1. That I hold a special Power-of-Attorney from the Plaintiff for the purpose of prosecuting the abovementioned suit before this Hon'ble Court. I am acquainted with the facts deposed to below and being so, I am fully competent and duly authorized to swear to this affidavit.
2. That the suit was listed for final hearing on20.....
3. That unfortunately, in the morning of the aforesaid day, the Plaintiff, who is an old infirm man of 67 years, fell ill suddenly.
4. That I had to take the Plaintiff to the hospital immediately, and by the time the deponent arrived before this Hon'ble Court, the case had already been called out.
5. That the delay in the arrival of the deponent before this Hon'ble Court was not owing to any negligence on my part, but entirely due to reasons beyond my control.
6. That the Plaintiff will suffer irreparable loss if the dismissal is not set aside and the suit restored.

Sd./

Deponent.

Verification

Verified at on this theday of, 20, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and 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.

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