**In The Court Of Motor Accident Claims Tribunal At Shimla**

App. No.: \_\_\_\_\_\_ of 2004 in MAC Petition No.: \_\_\_\_\_\_\_

Petitioner/Applicant

Versus

Respondent/Non-Applicants

Application under Order 9 Rule 4 & 9 read with Section 151 of CPC for restoration of Petition dismissed in default

Respectfully Sheweth:

1. That the above noted petition was filed in this Hon'ble Tribunal by the petitioner on \_\_\_\_\_ and the said petition was fixed for \_\_\_\_\_.

2. That when the above noted petition came up for hearing on \_\_\_\_\_, this Hon'ble Tribunal was pleased to dismiss the same in default.

3. That the absence of the petitioner on the date of hearing was neither intentional nor willful, but for the good and sufficient reasons hereinabove stated. Interest of justice therefore, demands that the petition is restored to its original position so that the substantial dispute involved in the petition can be adjudicated upon on its merit by this Hon'ble court.

4. It is, therefore, most respectfully prayed that this application may kindly be allowed and the above petition may kindly be restored to its original position in the interest of justice. Such other orders may kindly also be passed as deemed fit and proper in the facts and circumstances of case.

Shimla Petitioner/Applicant

\_\_\_\_\_\_ Through, Advocate

**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL AT SHIMLA**

App No.:\_\_\_\_\_\_ of 2004 MAC Petition No: \_\_\_\_\_\_

Petitioner/Applicant

Versus

Respondents

Affidavit in support of Application for restoration.

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1. That accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_ of the complaint are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent