**In The Court Of Ld. \_\_ At Shimla**

No.: \_\_\_\_\_\_\_

Petitioner/applicant

Versus.

Respondent/Non-applicant

Application Under Order 9 Rule 4 r/w Section 151 of CPC with the prayer to set aside the order dated \_\_\_\_\_\_ and restore the above noted case to its original stage

Respectfully Sheweth:

1.  That the applicant has filed the above mentioned case in this Hon'ble Court on \_\_\_\_\_\_ and was listed for \_\_\_\_\_\_ on \_\_\_\_\_\_.

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

3.  That the absence of the applicant or his counsel 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 above case is restored to its original position so that the substantial dispute involved in the case 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 case 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                                                                                                  Applicant

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

**IN THE COURT OF LD. \_\_ AT SHIMLA**

IN CASE:-

Applicant/\_\_\_\_\_\_\_

VERSUS

Respondent

Affidavit in support of application under Order 9 Rule 4 r/w Section 151 of CPC

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

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

2.  That the contents of paras 1 to \_\_ of the application 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