

Precedent No. 12

**AFFIDAVIT: UNDER ORDER XLI, RULE 19 OF THE CODE OF CIVIL
PROCEDURE, 1908**

IN THE COURT OF THE HON'BLE DISTRICT JUDGE,

Miscellaneous Application No.....of 20

In

Appeal Suit No.....of 20

IN THE MATTER OF:

A.B ...APPELLANT/APPLICANT

VERSUS

B.CDEFENDANT/RESPONDANT

AFFIDAVIT

I.....,S/o.....,aged.....,
residing in.....

The abovenamed deponent solemnly affirms and states on oath as follows:

1. That the deponent is the applicant in the Miscellaneous Application Noand the appellant in the appeal referred to above. Therefore, the deponent is well acquainted with the facts and circumstances of the case and stands fully competent to swear to this affidavit. The deponent will be referred to as the applicant hereinafter.
2. That the appeal was posted on for taking steps by the applicant. Just one night before that date, the applicant met with an accident and was rushed to hospital where he was kept for recuperation till yesterday. It was due to the said contingency that the applicant was not able to take the necessary steps. The counsel, unfortunately, did not seek time from this Hon'ble Court and this Hon'ble Court, therefore, dismissed the appeal on for failure to take steps.
3. That the above said order dismissing the appeal has prejudiced the applicant considerably and if the same is not reviewed and set aside and the appeal not allowed to be proceeded with on merits, it will cause great hardship to the applicant. The applicant *bona fide* believes that if heard on merits the appeal is likely to be allowed by this Hon'ble Court.

3. That the applicant has made arrangements with his counsel to take necessary steps for payment of court charges.
4. It is, therefore, necessary in the interest of justice that the order of dismissal of the appeal for non-prosecution on be set aside and the case be restored to file by this Hon'ble Court.

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 information 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 theday of, 20

Sd./

Counsel for the deponent.

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