**Format of an application to set aside a decree passed ex parte**

 Important points to remember-

An ex parte decree is a decree that is passed by the court in absence of any response from the defendant as per Order 9 Rule 6 of CPC.  
As per Order 9 Rule 13, the defendant may apply before the court that passed the decree to set it aside on the following grounds:

If he satisfies the court that the summons was not duly served   
he was prevented by any other sufficient cause from attending the hearing. For example, bona fide mistake as to the date or hearing, late arrival of train, etc. are sufficient causes for absence of the defendant. Such an application for setting aside may be made within 30 days from the date of decree as per Section 123 of Limitation Act.

In the Court of Civil Judge  Delhi

Suit No. 1234 / 2009  
A. B. s/o B. C.  
123, A B Road,  Delhi                           .........................................  Plaintiff

Vs.

M. N. s/o O. P.  
456, A B Road, Delhi                            .........................................  Respondent/Applicant  
Application under Order IX Rule 13 of CPC, 1908

The respondent/applicant respectfully states as follows : -

(1) The Plaintiff filed the above suit which was decreed ex-parte against the applicant on 10/10/2014

(2) The applicant came of know of this fact on 15/10/2014, when a demand notice was served on him by the plaintiff for the decretal amount.

(3) The plaintiff obtained the decree by suppression of material facts.

(4) The summons in the said case was not served at all on the respondent/applicant.

(4) The respondent/applicant could not enter appearance in the said case by reason on non-service of the summons.

(5) Relief Claimed: The applicant accordingly prays that the decree passed ex parte on 10/10/2014 against the applicant in the aforementioned case be set aside and the aforementioned case be tried in presence of the applicant.

Place: ………………….                                                                            (Signature of the applicant)  
Date: …………………..

                                                                                                                                    YYY  
                                                                                                                    Advocate for Respondent/Applicant

Verification  
    
 I, M. N. s/o O. P. , do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Indore this 4th Day of September 2014.

(Signature)   
Respondent/Applicant

Suit No. 1234 / 2009  
A. B. s/o B. C.  
123, A B Road, Indore, MP                            .........................................  Plaintiff

Vs.

M. N. s/o O. P.  
456, A B Road, Indore, MP                            .........................................  Respondent/Applicant  
Application under Order IX Rule 13 of CPC, 1908

The respondent/applicant respectfully states as follows : -

(1) The Plaintiff filed the above suit which was decreed ex-parte against the applicant on 10/10/2009.

(2) The applicant came of know of this fact on 15/10/2009, when a demand notice was served on him by the plaintiff for the decretal amount.

(3) The plaintiff obtained the decree by suppression of material facts.

(4) The summons in the said case was not served at all on the respondent/applicant.

(4) The respondent/applicant could not enter appearance in the said case by reason on non-service of the summons.

(5) Relief Claimed: The applicant accordingly prays that the decree passed ex parte on 10/10/2009 against the applicant in the aforementioned case be set aside and the aforementioned case be tried in presence of the applicant.

Place: ………………….                                                                            (Signature of the applicant)  
Date: …………………..

                                                                                                                                    YYY  
                                                                                                                    Advocate for Respondent/Applicant

Verification  
    
 I, M. N. s/o O. P. , do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Indore this 4th Day of September 2009.

(Signature)   
Respondent/Applicant