**In the Court of Civil Judge Lahore**

Suit No. 1234 / 2009

A. B. s/o B. C.

123, A B

Road, Lahore ......................................... Plaintiff

Vs.

M. N. s/o O. P.

456, A B Road,

 ......................................... Respondent/Applicant
**Application under Order IX Rule 13 of CPC, 1908**

The 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.

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

(6) 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. 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)

# Tips to draft a good application

Make sure that you don’t commit any of the common mistakes. Drafting a good application with correct English grammar and judicious usage of the terms always leaves a good impression on the judge. The claims as mentioned in the application should be well substantiated with facts and documents. Always make sure of using simple terms or avoid using legalese and flowery language. Familiarity with the legal elements is like having in possession a map of an unexplored island. The language of your affidavit should be sharply directed towards the other party. If it has been put forward by the plaintiff then it should be exhaustive and attack the defendant. On the other hand, if you are the defending party then make sure you answer to each and every point made out in the plaintiff’s affidavit and counter it with well-substantiated facts.

IN THE COURT OF THE CIVIL JUDGE (Name of the judge)

Civil Suit No. /20\_\_\_\_

…Plaintiff

Vs.

…Defendants

An application for an interim injunction under Order XXXIX Rule 1 and 2 of the Civil Procedure Code

1. The Plaintiff has filed the suit for (mention the purpose for eg recovery of possession of the disputed property).
2. That the disputed property (Proper description of the suit property with facts ascertaining unquestionable legal authority of the plaintiff) has been unlawfully kept out of the possession of the plaintiff (or any other reason as per the case).
3. Start with the chain of events that has led to the filing of the present suit. (This should be divided into subsequent sub paras to enable a clear understanding of the events).
4. Mention the fact that the chain of events establishes a prima facie case and further investigation or action is needed.
5. A reason that clearly states the balance of favor in plaintiff’s side e.g. The disputed property is the only means of income that the plaintiff’s family earns income from and dispossession would lead to unparallel hardships.
6. Irreparable damage will be caused which wouldn’t be compensated in monetary terms. (The reason might include mental trauma and emotional hurt).
7. PRAYER: The plaintiff, therefore, prays that your Honor finds it fit to deliver a show-cause notice to the opposite party putting forward the reasons why the injunction shouldn’t be granted. Pending hearing of such injunction petition, it is prayed that an interim injunction order is passed to restrain the defendants from causing any harm to the disputed property.

PLAINTIFF(Signature):

PLACE:

DATE:

ADVOCATE FOR PLAINTIFF:

SCHEDULE

Attach a Schedule including all the documents containing the documents related to the property and to substantiate other facts mentioned in the application.

AFFIDAVIT

An affidavit is an oath of truthfulness for the facts that have been mentioned in the plaint in a written form. No penal action arises in case of non-inclusion of a fact that wasn’t a part of the plaintiff’s knowledge.