

NOTIFICATION

No. 228/Rules/DHC

Dated: 21.9.2006

In exercise of powers conferred by Sections 122, 129 and Rule 3 of Order XLVIII of Code of Civil Procedure, 1908 read with Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it in this behalf, the High Court of Delhi, hereby makes following amendment in Form 4-A (O.XXXVII, r.3), Appendix-B of the Code of Civil Procedure, 1908 for its use in High Court of Delhi and its subordinate Courts. The amended Form shall be read as under:-

No.4A
Summons For Judgment In a Summary Suit
(O.XXXVII, r.3)
(Title)

In theCourt at.....

Suit No.....of 200

XYZ Plaintiff

Versus

ABC Defendant

To:

(Full name & Address)

WHEREAS in the above suit which has been filed under the special procedure of Order XXXVII of the Code of Civil Procedure, 1908, you have already been served with summons of the suit.

AND WHEREAS the plaintiff has filed an application supported by an affidavit (copy enclosed) verifying the cause of action and the amount claimed and stating that in his belief, there is no defence to the suit.

You are being hereby served with summons for judgment under sub-rule 4 of Rule 3 of Order XXXVII of the Code of Civil Procedure, 1908 and unless you apply **within ten days** from the service hereof for leave to defend the suit by affidavit or otherwise disclosing such facts as may be deemed sufficient to entitle you to defend the suit and unless on such application leave to defend is granted to you and unless you fulfil the conditions, if any, that may be imposed upon you for grant of such leave, the plaintiff shall be entitled to judgment forthwith against you for Rs..... with interest and costs.

The suit, the plaintiff's application for the judgment and your application for leave to defend, if any, are scheduled for hearing on(date)..... which you may attend in person or through pleader failing which the matter will be heard as provided for by Order XXXVII, Rule 3(6).

TAKE NOTICE that failure to file an application within ten days, will result in a decree for recovery as aforesaid being passed against you forthwith.

Given under my hand and the seal of this Court on this.....day of.....200....

JUDGE

NOTE: THIS FORM SHALL BE USED IN DELHI HIGH COURT & ITS SUBORDINATE COURTS FROM THE DATE OF ITS PUBLICATION IN THE GAZETTE.

BY ORDER OF THE COURT

Sd/-
(A.K. PATHAK)
REGISTRAR GENERAL