**Restoration Application in Writ Petition**

In the Hon’ble High Court of Judicature at ………………….

Civil Misc. Restoration Application No…………..of 20…….

(Under Section 151 of the Civil Procedure Code)

On behalf of

Smt………………………… …Petitioner/Applicant

IN

Civil Misc. Writ Petition No……… of 20……(District …….)

Smt……………………………… …Petitioner

*Versus*

1. IIIrd Addl. Dist. Judge and others. …Respondents.

To

The Hon’ble Chief justice and his other Companion Judges of the aforesaid Hon’ble Court.

The Humble application of the abovenamed petitioners most respectfully showeth as under :

1. That full facts have been stated in the accompanying affidavit.

PRAYER

It is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to stay the demolition of the house built on the land in dispute and also the dispossession of the petitioners from the land in dispute during the pendency of the writ petition else the petitioners shall suffer irreparable loss.

Advocate for the petitioner

In the Hon’ble High Court of Judicature at …………….

Affidavit

IN

Civil Misc. Restoration Application No……….. of 20……..

On behalf of

Smt…………………. and others. ...Petitioners/Applicants

IN

Civil Misc. Writ Petition No…………….of 20……

(District :……..)

Smt………………….. and others. …Petitioners

*Versus*

IIIrd Addl. Distt. Judge and others. ...Respondents

Affidavit of ……………., aged about…..……. years, son of …………… resident of..……… P.O. Distt…………

(Deponent)

I, the abovenamed, deponent do hereby solemnly affirm and state on oath as under :

1. That the deponent is the petitioner No. 2 and as such, is fully conversant with the facts of the case deposed to below.

2. That the present writ petition was filed in person by the deponent as the Hon’ble Court was closed for Advocate’s strike.

3. That after hearing the respondent the Hon’ble Court was pleased to stay the demolition of the house of the petitioners and also the dispossession as well.

4. That initially when the deponent came …………., he engaged Sri……………………… Advocate for filing the writ petition. But since Sri …………………. was junior in the Chamber of Sri……………………..…hence Mr….………………. prepared the case and filed the same in his own name.

5. That Sri…………………… left the Chambers of Sri…………………………. in the month of ….………, 20…… and kept the office copy of the petition with him but no intimation of any type was sent to the dependent.

6. That it appears that the case was listed with the name of Sri…………………….. but he did not appear while the name of Mr………………..……………. was not there.

Hence, Mr…….………………… could not trace out the case, which resulted in dismiss of this case for no fault of the petitioners.

7. That on …………. when the counsel of the petitioners at Lower Court Sri…….……… informed the deponent that his case at ………………..………. has been dismissed he immediately rushed to Allahabad and contacted Sri ………………………………., on ………..20……. and when the record was inspected the entire matter came to the knowledge of the petitioners.

8. That without being late the deponent is moving the present application.

9. That in case this Hon’ble Court comes to the conclusion that the application is beyond time, although it is within time from the date of information, then a separate application under Section 5 of the Limitation Act is also being moved. The same may be allowed considering the facts and circumstances which were beyond the control of the petitioners.

I, the deponent, abovenamed, do hereby solemnly affirm and State on oath that the contents of paragraphs 1 to 9 of this affidavit are true on the basis of the personal knowledge and the contents of paragraph are based on records and the contents of paragraph are based on legal advise; which all I believe to be true and no part of it is false and nothing material has been concealed. So help me God.

I, …………………….………………. Clerk to Sri……….……………….., Advocate, High Court, …….…………, do hereby declare that the person making this affidavit and alleging himself to be the deponent is known to me from the perusal of the papers which he produced in this case before me.

Solemnly affirm before me on the ….………… day of ….……….., 20…….. at ………………………. By the deponent who has been identified by the aforesaid clerk.

I have satisfied myself by examining the deponent that he understands the contents of paragraphs of this affidavit which have been explained to him.

Oath Commissioner