

An application for restoration of a suit

IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION,

Misc. Application No. _____ / 200_

Shri __A__ B__ C__)
Age 40 years, occupation - business,) Applicant
Resident of 25 Erandwana,) (Original
) Plaintiff)

Versus

Shri __X__ Y__ Z__)
Age 50 years, occupation - business,) Opponent
Resident of 150 Budhwar Nagar,) (Original
) Defendant)

AN APPLICATION FOR RESTORATION OF SUIT

The applicant above-named submits this application, praying to state as follows :

1. That the applicant had filed in this Hon'ble Court Special Suit No. 350/ 2009 against the opponent for the recovery of a money claim of Rs. 5,00,000/-.
2. That the said suit was fixed for hearing on....200....for recording the evidence of this plaintiff, but on finding the plaintiff and his advocate being absent, this Hon'ble Court was pleased to dismiss the said civil suit for default on the part of the plaintiff in appearance.
3. That this applicant submits for the kind and sympathetic consideration of this Hon'ble Court that on 2010, the plaintiff left his residence at 10.30 a.m. and he was going on his scooter to attend this court.
4. That this applicant furthermore submits that while the plaintiff was negotiating the Deccan Corner, he was knocked from behind by a PMT bus, and he was while unconscious taken to the Sassoon General Hospitals where he was treated for three days.
5. That in the circumstances, the members of the plaintiff's family could not know the whereabouts of the plaintiff till the evening of....200.., and the plaintiff, therefore, could not

contact his advocate, who was on that day out of Mumbai for some important work.

6. That the suit claim is a substantive one, and the applicant is sanguine about the success that the suit will be decided on merit and in his favour.

7. That the cause of action for the present application arose on....., and hence, this application filed today is well within limitation.

8. That the necessary court-fee is paid herewith.

9. That the applicant, therefore, prays that this application be kindly allowed, the orders of dismissal, dated 200_ be set aside, and the original Special Civil Suit No. 350/2009 be restored to the file and decided on merit.

Mumbai,
Dated: _____

Sd/-ABC
APPLICANT

Sd/-xXx
ADVOCATE FOR APPLICANT

VERIFICATION

I, Shri ABC, the present applicant, do hereby state on solemn affirmation that the contents of this application in paras 1 to 9 are true and correct to the best of my knowledge and belief, so I have signed hereunder.

Sd/- ABC APPLICANT