**Affidavit for Restoration Petition u/s 151 of CPC for to restore Dismissed Application.**

**Format of Affidavit to be filed with Restoration Petition in a Dismissed Application.**

Restoration Petition for a Dismissed Application can be filed under Section 151 of Civil Procedure Code.

Sample Format of Affidavit for restoration Petition is given below:

**BEFORE THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_, NEW DELHI**

**MISCELLANEOUS APPLICATION NO. \_\_\_\_OF \_\_\_\_\_**

**IN**

**CIVIL MISCELLANEOUS PETITION NO.\_\_\_ OF 20\_\_**

**IN**

**APPEAL NO. \_\_\_\_ OF 20\_\_**

**IN THE MATTER OF :**
MR. \_\_\_\_\_\_                                                      **APPLICANT**

**VERSUS**
MR. \_\_\_\_\_\_\_\_\_\_\_\_\_\_           **RESPONDENT**

**AFFIDAVIT**

**IT IS MOST RESPECTFULLY SHOWETH:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, son of Shri. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_ years, resident of \_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New Delhi-\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. The I am the applicant in the application referred to above. I am well acquainted with the facts and circumstances of the case and being so, stands competent to swear to this affidavit.

2. That I have filed the application referred to above to set aside an order dated \_\_\_\_ dismissing the suit for default.

3. That on the day of dismissal, the deponent was duly present in the Court. However, the Counsel of the deponent was not feeling well unable to make it to the Court. In view of the said contingency, the deponent requested this Hon'ble Court to take up the case after some time. That this Hon'ble Court, however, did not considered the request of Applicant and the application was dismissed as a consequence thereof.

4. As is self evident, the circumstances referred to above were absolutely beyond the control of the deponent and not owing to any default, neglect or laches on the part of this deponent or his counsel.

5. It is in favour of law and natural principles of justice that the order passed by the Hon'ble Court dismissing the application for default may be set aside and the application be restored and the deponent be given a fair opportunity to be heard.

**DEPONENT**

**VERIFICATION**
Verified at Delhi on this day of, \_\_\_ that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

**DEPONENT**

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the \_\_\_ day of \_\_\_\_\_\_\_,20\_\_

**COUNSEL FOR THE DEPONENT**

## Section 151 of Code of Civil Procedure 1908

**Section 151 "Saving of inherent powers of Court"**
Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.