**Presuming a hypothetical case now let us draft on petition for revision.**

In the High Court of judicature al Allahabad civil Revision No. …………..

Name and particulars …………..………….. petition/plaintiff

Vs

Name and particulars …………..………….. Respondent/Defendant

Civil Revision petition under sec.115 C.P.C. against the impugned order dt. …………….assed by shri  ……………. civil judge sr. Division …………….when by the application of dismissed, for setting aside the  impugned order and for allowing the aforesaid application of the petitioner and for acceptance of revision  petition.

The grounds of revision petition are submitted as under: -

1) That briefly stating the facts of the case are that present petitioner has filed a suit for  …………….against the respondent! defendant before the Hon'ble trial court on the basis of

The defendant, on his appearance has filed written statement wherein he has denied the facts.  When the suit was fixed for framing of issues before the Id. Trial court the it revealed to plaintiff and plaintiff  wants to file an application the plaintiff applied but the Id. Trial court disallowed the application vide  impugned order dt- against the petition against which the present revision petition is being filed.

2) That the impugned order is wholly wrong, unjust against law, against facts and the same  deserves to be set aside.

3) On the perusal of the aforesaid facts, it is clear that the plaintiff did not act any malafide  manner.

4) That the learned trial court has erred in not judiciously and properly appreciating the  controversy involved in the case and thereby it has caused grave miscarriage of justice with the  petitioner.

5) That the Id. Trial court has erred on ignoring the settled principles of law with regard to and  which are enunciated repeatedly by this Hon'ble court as well as Hon'ble Apex court in various  judgments that the law is very liberal. It has been repeatedly held that pleadings in the trial  courts are to be liberally interpreted.

6) The application was filed without any inordinate delay and the evidence of the parties was  not yet started. Thus the stage of the suit is not belated one.

7) That in the wake of above narrated facts and circumstances, the impugned order passed by  Id. Trial court denseness to be set aside.

8) That the present petition is being filed within limitation and is properly stamped.

It is therefore most respectfully prayed that impugned order dt …………….passed by shri …………….Civil  Judge Sr. Division …………….may kindly be set aside and the application of the plaintiff may kindly be  allowed and the revision petition may kindly be accepted.

Dated : ……………. Counsel for the petition

Place ……………. \_\_\_\_\_\_\_

FORM OF APPEAL

In the High Court …………….…………….

Civil Appeal No. …………….…………….

Particulars of party's ……………. Appellant/Defendant

V

Particulars of party's ……………. Respondent/plaintiff

Appeal under sec. 96 C.P.C. against the impugned judgment and decree dt. …………. passed by ………….  civil judge vide which the suit of the plaintiff has been decreed with costs, for setting aside the impugned  judgment and decree and for dismissal of the suit of the plaintiff and for allowing the present appeal with  costs.

The grounds of appeal are submitted as under:

1) That the impugned judgment and decree dt. Passed by shri …………. civil judge is wrong, illegal,  against the law and thus, the same are liable to be set aside.

Certified copies of judgment and decree are attached herewith.

2) That the impugned judgment and decree are wholly arbitrary, unjust, lacking reasoning and are  based on surmises and conjectures.

3) That the learned trial court has not properly appreciated the evidence and material available on  record. It has erred in passing the impugned judgment and decree against the appellant by wholly misreading the evidence of the plaintiff which is going to· a material prejudice to the appellant.

4) that the learned trial court as erred in deciding issue No. 1 against the appellant That the learned  trial court did not consider the martial contradictions in the statement of the plaintiff and the  impugned document which makes their statements unreliable.

5) That the Id. Trial court has erred in decreeing the suit of the plaintiff against the defendant. The  findings rendered by Id. Trial court under issues No. 122 deserve to e reversed and to be decided on  favour often appellant.

6) That the present appeal is being filed within limitation and properly stamped. It is therefore,

respectfully prayed that the impugned judgment and decree dt. ………….passed by shri  ………….civil judge in civil suit no. ………….of ………….may kindly be set aside and the suit of the  plaintiff may kindly be dismissed and the present appeal may kindly be allowed with costs.

Dated: sd/-

Place: Counsel for the Appellant

Hon'ble Shri. …………. Chief justice of India and his companion Justices of the Supreme Court of India.

This humble petition of the petitioner above named under Article 32 of the Constitution of India praying for a  writ of habeas corpus of such other writ, direction or order as the court may deem fit direction the  respondents to cause the production of the petitioner in court and directing him to be set at liberty in  accordance with law respectfully.

Showeth:

9) That is petitioner is a respectable law-abiding citizen of India and was arrested by the  Amritsar (Panjab) Police on the ………….day of ………….19 ………….and is now confined as  detenu under the order writ, of the second respondent in the custody of third respondent in the  cause the production of the petitioner in court and direction him to be set at liberty in accordance  with law respectfully.

10) That the detention of he petitioner purports to be under the preventive Detention Act, 1950.

11) That the petitioner was given the following grounds of detention under Section 7 of the  preventive Detention Act, 1950 on the ………….day of ………….19 …………..

i. on ………….you participated in the general meeting of the ………….when a resolution delegating  full powers to …………. to manage the affairs to the …………. was passed. You also participated in  an informal meeting of the workers on …………. when it was decided to hold ………….  Convention on the ............ and the …………. of…………. 19 ………….as a result of these meetings  resolution, sponsored by has been passed by the Working Committee of the ………….on the  …………. to the effect that if he ………….MLA's of the Punjab Legislative Assembly do not  voluntarily quit.…………. they will be compelled to do so by coercive methods.

ii. You have in public utterances declared yourself to be a firm believer in leadership of…………. and,  according to you, he is the only person who could deliver goods to the …………. community. You  are of the view that in the long run …………. would also have to revert to …………. the …………. 's  lead.

iii. Now that a resolution making the intentions of the …………. very clearly has been passed that  unlawful methods will be adopted, it is strongly believed that in pursuance of that resolution you will  commit acts prejudicial to public order.

Your detention has, therefore been ordered to ensure the maintenance of public order.

12) That the petitioner was advised that his arrest and detention is illegal, mala fide and  capricious one ………….therefore moved the Hon'ble High Court of judicature for the state of  Punjab at Simla on ................... in Criminal Miscellaneous petition No ………….of …………. under Article 226 of the India. Constitution read with Section 491 of the Criminal procedure  Code praying for a writ of hebeas corpus for the release of the petitioner.

13) That the said Hon'ble High Court was pleased to reject the above said petition of the  petitioner herein by its judgment dated ………….

14) That, in any case the petitioner with the orders of the Hon'ble High Court for the State of  Punjab at Simla, and the petitioner is informed that the said ………….is separately taking steps

for obtaining leave to appeal against that order of the High Court.

15) That, in any case the petitioner is advised that his continued detention on the above  circumstances is in direct violation of his fundamental rights (as herein below detailed) and  therefore begs to move this Hon'ble court under Article 32 of the Constitution of India for a writ of  habeas corpus or other appropriate writ order or direction directing the respondents to release  the petitioner forthwith on the following amongst other.

Grounds

(xv) For that none of the grounds mentioned in para 3 above has any proximate connection or  relevancy to the maintenance of public order.

(xvi) For that it is an abuse of the process granted to the Executive under the Preventive  Detention Act………….to detain the petitioner for joining in any procession or making of any  speeches as alleged in Supreme Court-paragraphs (i) and (ii) of para 3 above Such use of  the Act is mala fide.

(xvii) For that similarly the use of the use of the said Act for a the detention of the petitioner in  respect of the alleged activities of the petitioner as mentioned on sub-paragraphs (i) and (ii)  of para 3 above is mala fide.

(xviii) For that the Resolution of the Working Committee dated …………. is unobjectionable Has  been released form custody on the ground that provisions of law under which he was being  prosecuted, viz., Section 124-A and Section 153-A, I.P.C., etc., have been held to be ultra  vires the Countenanced and accepted as correct by the High Court, in its judgment referred  to above falls to ground.

(xix) For that the leaned judges of the High Court erred in taking into consideration the speech  made by…………. and linking the same with the Resolution of the Working Committee.

(xx) For that it is not proper to hold that any alleged past activities of the appellant not resulting in  any disturbance of public order then, could form the basis of an assumption regarding the  likelihood of an imminent danger of the breach of peace now, at this distance of time; nor  could the passing of the Resolution of the Working Committee dated bring about a charge in  conditions as alleged with the consequential apprehended disturbance of public tranquility

was not even a member of the said Working Committee.

(xxi) For that the satisfaction of the learned District Magistrate was not based on such materials  or grounds which could reasonably form the basis of an order of detention such as the one  passed in this case. It is a camouflage to state that the allegations contained in the said  grounds were such as were likely to be prejudicial to the maintenance of public order.

(xxii) For the detention of the petitioner is not in accordance with procedure established by law.

(xxiii) For that the preventive Detention Act, …… is ultra vires the constitution inter alia for the  following reasons :

f. It offends against the provisions of Article 19(1 )(a) of the Constitution inasmuch as it proceeds to do  indirectly what it could not do directly in the matter of unjustifiably restriction the freedom of speech  ad expression, vide grounds in sub-paragraphs (i) and (ii).

g. It offends similarly against the provisions of Article 19 (1) (b) of the Constitution, inasmuch as it  operates unreasonably on peaceable assembly without arm vide ground mentioned on sub paragraph (ii) of para 3 above.

h. If offends similarly against the provisions of Article 19 (1) (c) of the constitution, vide grounds  mentioned on sub-paragraph (i) and (ii) of para 3 above.

i. Section 3 of the said Act. Is contrary to procedure established by law. The subjective suggestion  provided for in the section is ultra vires the Constitution,.

j. Section 7 of the said Act, provides for representation to the State Gover~ment itself which is  repugnant to fundamental principle of law that no man can be judge in his own cause.

(xxiv) For that the extension dated ………….of the detention order is ultra vires and illegal. Further  no grounds in respect of the extension of detention order have been supplied to the petitioner.

(xxv) For that the detention order itself mentions "That security of State and the maintenance of  public order," the grounds supplied relate only to maintenance of public order. The said  detention order is in itself either vague and inoperative or illegal.

(xxvi) For that the decision in Gopalan;s case does not form appropriate precedent in this matter  as it was given I a different factual context. For the same reason Machindar's case is not so  binding and further the purpose therein was different and the Constitution did not operate  thereon.

(xxvii) For that the decision in Gopalan's case loses much of its validity and operation as precedent  as there were compelling reasons given by different judges which almost neutralize each other  leaving the field clear.

(xxviii) For that in Gopalan's case, reference was made to due process of law, the Draft  Committee's Report, the Debates', etc. such maters could not be referred to. Personal liberty  has always been understood to include freedom of speech and right of association and  peaceable assembly. Constitutions are interpreted in a manner in many respects peculiar to

themselves. The correct approach to the problem of interpreting Articles 19 to 21 of the  Constitution has been entirely overlooked. The well-known rules of interpretation have beginner  on this behalf. Even the matters of procedure the various fundamental principles which form  now the basis of legislation in this behalf for generations past are easily ascertainable and have  been declared by the judge in India and in the privy- Councils and are now well established. To  say that any enactment of Parliament forms the procedure established by law is contrary to the  Constitution and is not good law.

16) your humble petitioner therefore begs to pray that your Lordships may be pleased to issue  rule nisi to the Respondents directing them to produce the petitioner before this Hon'ble Court  and to justify, his detention in accordance with procedure established by law and that after

hearing the parties, your Lordships may be pleased to issue a writ of habeas corpus or other  appropriate writ or direction to set the petitioner at liberty. For which favour this humble  petitioner shall ever pray.

Delhi …………. Advocate

Dated …………. Supreme Court

Settled by

Senior Advocate, Supreme Court.