

**CMP(M) No. 796 of 2018**

31.5.2019 Present: Mr. Y.P. Sood, Advocate, for the applicants/appellants.  
Mr. Ajay Kumar Sharma, Advocate, for respondent No.2.

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Mr. Ajay Kumar Sharma, Advocate has put in appearance on behalf of respondent No. 2, whereas, despite service, none has appeared on behalf of respondent No.1, as such, he is ordered to be proceeded against ex parte.

Learned counsel for respondent No. 2 states that he does not intend to file reply to the application and has no objection in case, prayer made therein is allowed.

Having perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that the delay in maintaining the accompanying appeal is neither willful nor intentional but on account of circumstances, which were completely beyond the control of the applicants, as such, delay of nine days in filing the appeal deserves to be condoned. Ordered accordingly. Application stands disposed of.

**FAO No. of 2019**

Be registered.

**Admit.**

Notice. My. Ajay Kumar Sharma, Advocate waives post-admission notice on behalf of respondent No.2. Separate

notice, returnable in the first week of July, 2019, be issued to respondent No.1, on taking steps within three days.

List for hearing in the first week of **July, 2019**, as jointly agreed by the appearing counsel.

**(Sandeep Sharma)**  
**Judge**

May 31, 2019  
(vikrant)