

**CMP(M) No. 323 of 2020**

**31.8.2020**

Present: Mr. R.K. Bawa, Senior Advocate, with Mr. Ajay Kumar Sharma, Advocate, for the applicants.

Through Video Conferencing.

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Despite service, none has come present on behalf of respondent-Meena Sharma and as such, she is ordered to be proceeded ex-parte.

Having heard learned counsel for the parties and perused averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying appeal is neither intentional nor willful, rather same has occurred on account of circumstances which were completely beyond the control of the applicant and as such, same deserves to be condoned.

Accordingly, for the reasons stated in the application, delay in filing the appeal, which in my considered view, has sufficiently been explained, is condoned. The application stands disposed of.

Appeal be registered.

**RSA No. of 2020**

**Admitted** on the following substantial questions of law:-

- a. Whether, once it has been concluded by learned Court below that the respondent/defendant has unlawfully put lock on the tenanted shop of the appellants/ plaintiffs and the respondent/ defendant has been directed to remove the lock unlawfully put by her, appellants/plaintiffs are entitled to recover the suit amount by way of damages for the loss sustained by them?
- b. Whether the courts below misread, mis-appreciated and misconstrued the provisions of law, pleadings and evidence adduced on record, as a result of which, findings came to be vitiated?

Post admission notices be issued to the respondents returnable within six weeks on taking steps within one week. Records of the case be called for.

**31<sup>st</sup> August, 2020**  
*manjit*

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