

CMP(M) No.1940 of 2019

29.02.2020 Present: Mr. B.C. Verma, Advocate, for the applicants/appellants.

Mr. Abhinandan Thakur, Advocate, vice Mr. Janesh Gupta, Advocate, for respondents No.1(a) to 1(d).

None for respondent No.2.

Despite service, there is no representation on behalf of respondent No.2-Managing Director, Forest Corporation, Himachal Pradesh, hence, proceeded ex-parte.

There is five days' delay in filing the appeal. Learned counsel for the appearing respondents has opposed the application on the ground that no sufficient cause is made out for condoning the delay.

In para 4 of the application, it is explained by the applicants that their appeal was dismissed by the learned Additional District Judge on 25.07.2019 and copy of judgment and decree thereof was applied on 27.07.2019 and the same was attested and ready for delivery on 07.08.2019, but supplied on 13.08.2019 and thereafter the applicants were advised by the counsel to obtain attested copy of judgment and decree of the trial court, which was applied on 03.10.2019 and was supplied on the same day, but the said copy was not attested one but only uncertified copy was supplied and, therefore, an application was again filed for obtaining certified copy on 07.11.2019, wherein copy was issued on 08.11.2019, but again Copying Agency had committed mistake at the time of preparing the said copy by showing first page of the judgment as uncertified copy and rest of the papers as attested copy and the

mistakes committed by the Copying Agency have caused five days delay in filing the appeal.

It is evident from the explanation that delay is not on the part of the applicants, but because of the reason which was beyond their control and which is a sufficient cause. Accordingly, delay in filing the appeal is condoned. Application stands disposed of.

Appeal be registered.

RSAST No.23782 of 2019

Notice. Mr. Abhinandan Thakur, Advocate, under instructions of Mr. Janesh Gupta, original counsel, accepts notice and waives service on behalf of respondents No.1(a) to 1(d). Fresh notice to respondent No.2 returnable within four weeks, on taking steps within five days, be issued.

After completion of service, list alongwith RSA No.552 of 2019, titled as Abhi Ram Versus Kalu Nag Devta, as jointly prayed by learned counsel for the parties.

CMPST No.23783 of 2019

Notice in the above terms. Reply be filed within two weeks and rejoinder within two weeks thereafter. List thereafter.

(Vivek Singh Thakur)
Judge

February 29, 2020
himalvi