



**Som Nath Vs. Surinder Singh & Ors.
CMP(M) No. 5 of 2021**

01.07.2022 Present: Mr. Nitin Thakur, Advocate, for the applicant.

Mr. Karan Singh Kanwar, Advocate, for the non-applicants.

By way of this application, a prayer has been made for condonation of delay in filing the appeal.

I have heard learned counsel for the applicant as also learned counsel for respondent/non-applicant No.1, rest of the respondents despite service have not put in appearance.

Having perused the averments made in the application as also in the reply, this Court is of the considered view that in view of the contentions raised therein, it will be in the interest of justice in case delay in filing the appeal is condoned and the appeal is heard on merit. The fact which have weighed upon the Court while allowing the application filed for condonation of delay is the contention of the applicant about the mode and manner in which he was proceeded against *ex parte* before the learned First Appellate Court. Delay in filing the appeal is condoned, subject to payment of cost of Rs. 10,000/- by the applicant to respondent No.1. i.e., the served and contesting respondent as far as this application is concerned. Let, this amount be paid to the said respondent by the applicant within one weeks by way of bank draft.

RSA No. _____ of 2022

Be registered. List for admission on **19.07.2022**.

**(Ajay Mohan Goel)
Judge**

July 01, 2022
(vinod)