

***Bhup Singh vs. Janku (deceased) through LRs.***

***CMP No. 3924 of 2019***

**20.06.2025 Present:** Mr. Bimal Gupta, Sr. Advocate with Ms. Kusum Chaudhary, Advocate for the applicants/appellants.

Mr.H.S. Rana, Advocate for respondent no.1.

Mr. Balwinder Singh Thakur, Deputy Advocate General for respondents No.2 and 3.

Learned counsel for applicants/appellants submits that from the record, it appears that while adjudicating present application CMP No. 3924 of 2019 issues have been framed with respect to sufficient cause which caused delay in filing proposed appeal and thereafter parties have also led evidence whereas application for condonation of delay i.e. CMP(M)ST No. 7519 of 2019 filed under Section 5 of Limitation Act is yet to be registered if leave to appeal is granted by the Court.

It is noteworthy that as yet application seeking leave to file appeal i.e. CMP No. 3924 of 2019 is pending consideration and therefore, in absence of leave to file appeal, neither appeal was registered nor application for condonation of delay in filing the appeal has been registered. In aforesaid circumstances, application seeking leave to file appeal has to be decided first.

In aforesaid facts, issue involved in this application is framed as under:-

**1. Whether applicant is entitled for leave to prefer appeal as proposed?**

**2. Relief**

Learned counsel for parties are in agreement that this application seeking leave to appeal may be decided on the basis of material already on record including the evidence led by parties in application under Section 5 of Limitation Act for condonation of delay.

Accepting prayer, matter is adjourned for consideration on *16<sup>th</sup> July, 2025*.

**June 20, 2025**  
**(ms)**

**(Vivek Singh Thakur)**  
**Judge**