

**Surender Lal Sood (since deceased) and others vs. Vijay Kumar Sood and another alongwith connected matter**

**RSA No. 277 of 2025 alongwith  
CMP(M) No. 2416 of 2025 in  
RSA ST 69154/25**

**RSA No. 277 of 2025**

**09.04.2026**

**Present:** Mr. Ashok Sood, Senior Advocate with Mr. Deepak Banta, Advocate, for the appellants.

Ms. Meera Devi, Advocate, vice Mr. Deepak Gupta, Advocate, for respondent No.1.

**CMP(M) No. 2416 of 2025 in RSAST 69154/25**

Ms. Meera Devi, Advocate, vice Mr. Deepak Gupta, Advocate, for the applicant/appellant.

Mr. Ashok Sood, Senior Advocate with Mr. Deepak Banta, Advocate, for respondent No. 1(d) and 2.

**CMP(M) No. 2416 of 2025 in RSAST 69154/25**

The present application has been filed under Section 5 of the Limitation Act for condonation of delay in filing the appeal.

It has been averred in the application that earlier the applicant/appellant was represented by another counsel. During the pendency of the appeal, the personal appearance of the applicant/appellant was not required, and he was advised that he would be informed as and when his presence would be required in the case. On this account, the applicant/appellant visited his counsel as and when he was called/contacted.

However, during this period, the appeal pending before the learned First Appellate Court was finally disposed of. It has been further averred that the communication sent by the counsel representing the applicant was not received by the applicant. Therefore, he was not aware of the judgment passed by the learned First Appellate Court.

During the third week of November 2025, i.e., on 18.11.2025, the applicant contacted his counsel to inquire about the status of his case, and it was then that he came to know about the impugned judgment and decree passed by the said Court. Thereafter, upon obtaining the record, prompt action was taken by filing the present appeal.

Therefore, the delay occurred due to unavoidable circumstances, which were beyond the control of the present applicant.

Learned counsel for the non-applicants/ respondents has stated that they have no objection if the present application is allowed.

In view of the averments made in the application, which is duly supported by an affidavit, and keeping in view the fact that the learned counsel for the non-applicants/respondents have no objection to the

condonation of delay, the present application is allowed,  
and the delay of 35 days in filing the appeal is condoned.

The application stands disposed of.

**RSA No.\_\_\_\_/2026  
(ARBAST No. 69154/2025)**

Appeal be registered.

Learned counsel for the appellants undertakes  
to supply the entire paper book to learned counsel for the  
respondents during the course of the day.

List after two weeks.

**RSA No. 277 of 2025**

List alongwith **RSA No.\_\_\_\_/2026 (ARBAST  
No. 69154/2025).**

**(Romesh Verma)  
Judge**

*April 9, 2026* (Nisha)