

SA No. 76 of 2014

**Hon'ble Lok Pal Singh, J.**

Ms. Aklema Parveen, Advocate holding brief of Mr. Piyus Garg, Advocate for the appellant.

Mr. Lokendra Dobhal, Advocate for the respondents.

Urgency application No. 4820 of 2017 has been filed by the respondents for early hearing.

Urgency application is allowed.

Also, heard on the delay condonation application, substitution application and setting aside abatement application.

On filing the aforesaid applications, time was granted to the respondent to file objections but no objections have been filed as yet.

It is contended by the appellant No. 1 that the appellant No. 2 was expired, who had doing pairavi on behalf of the appellant No.1. Appellant No. 1 and applicants were not aware of filing the substitution application and when they contacted their counsel and informed that the appellant No.2 has expired.

Though, there is a delay of 172 days in filing the substitution application, the same has been explained sufficiently, as mentioned above. The contents of the delay condonation application and affidavit filed in support thereof have not been refuted by the respondent.

Considering the facts and circumstances of the case, delay condonation application in filing the substitution application is allowed. Delay is hereby condoned.

Let amended memo of parties be filed within a week.

Setting aside abatement application No.3627 of 2017 has been filed by the appellant for setting aside the abatement, if

any. Since the delay condonation application as well as substitution application has been allowed. Consequently, the aforesaid application is disposed of.

List this matter after Deepawali vacation for final hearing.

**(Lok Pal Singh, J.)**

10.10.2017

Balwant