

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.588 of 2024  <b><u>Hon'ble Vivek Bharti Sharma, J.</u></b></p> <p>Mr. Ashwani Kumar, learned counsel (<i>through V.C.</i>) holding brief of Mr. Rishabh Raturi, learned counsel for the petitioners.</p> <p>2. Mr. Karthik Jayashankar, learned counsel (<i>through V.C.</i>) appearing for the respondent.</p> <p>3. Learned counsel appearing for the respondent would submit that he has got instructions to file Vakalatnama on behalf of the respondent.</p> <p>4. Learned counsel for the petitioners would submit that an application to set aside the <i>ex-parte</i> judgment in the First Appeal was filed by the respondent after more than three years, however, the same was not accompanied by the application u/s 5 of the Limitation Act; that, thereafter the respondent filed the delay condonation application, which has been allowed by impugned order dated 19.02.2024.</p> <p>5. He would further submit that the delay condonation application has been allowed without considering the objections filed by the petitioners to the delay condonation application, which is illegal, therefore, the proceedings of the appellate court be stayed otherwise the petitioner will suffer irreparable loss.</p> <p>5. Learned counsel appearing for the respondent would submit that the respondent will not press the arguments before the First Appellate Court till the next date listing.</p> <p>6. Undertaking given by the learned counsel</p>

for the respondent is recorded.

7. Put up on 18.06.2024.

8. In the meantime, respondent will file counter affidavit with advance copy to the petitioner.

**(Vivek Bharti Sharma, J.)**

30.04.2024

BS