

NHAI vs. Jai Dev and others

OMP(M) No. 20 of 2026

24.08.2026

Present: Ms. Sneh Bhimta, Advocate, vice counsel, for the applicant/appellant.

Mr. Gaurav Bhardwaj, Advocate, for respondents No. 1 & 3 to 6.

Mr. Baldev Singh Negi, Additional Advocate General, for respondent No.7.

OMP(M) Nos. 544 and 545 of 2026

By medium of OMP(M) No. 545 of 2026, the applicant has sought condonation of delay in filing the application i.e. OMP(M) No. 544 of 2026 for bringing on record the legal representatives of deceased respondent No.2, namely, Krishan Chand.

A perusal of the copy of legal heir certificate shows that the said respondent had expired on 26.06.2023 and his legal heirs have been mentioned in para 3 of the application i.e. OMP(M) No. 544 of 2026.

It is stated in the application that the present applicant was not aware about the death of the deceased respondent No.2 and it is only when the report was received from the Additional Registrar(Judicial) that the said respondent has expired, immediately, thereafter, the record pertaining to the death of the deceased and the legal heirs certificate were obtained and the instant application has been filed and the delay in filing the application is neither intentional nor willful, but for the reason stated here-in-above.

The learned counsel for the non-applicants/ respondents have no objection in case the present applications are allowed.

In view of the averments as made in the applications, which are duly supported by affidavits and keeping in view the fact that the learned counsel for the non-applicants have no objection, the present applications are allowed, and delay in bringing on record the legal representatives of deceased respondent No.2, is condoned and the legal representatives of deceased respondent No.2, details whereof have been given in para 3 of the application i.e. OMP(M) No. 544 of 2026, are ordered to be brought on record as respondents No. 2(a) to 2(d), subject to all just exceptions. The abatement, if any, is ordered to be set-aside. Amended memo of parties filed along with the applications is ordered to be taken on record

Applications stand disposed off.

OMP(M) No.20 of 2026

The present application has been filed for condonation of 390 delays in filing the present appeal.

It has been averred in the application that copy of the judgment dated 02.12.2024 was applied by the learned counsel on 11.03.2025 and the same was delivered on 07.05.2025. However, the disposal of the case was not within the knowledge of the appellant/applicant, as the same was never intimated to the appellant by its counsel.

It has been contended that the counsel for the applicant unfortunately met with an accident and was advised

complete bed rest by the attending doctors for a considerable period. Due to the medical condition of the learned counsel for the applicant the case file could not be prepared and in this process, delay of 390 days has occurred, which is neither intentional nor willful, but for the reasons as stated here-in-above and under uncalled for circumstances.

Learned counsel for the non-applicants/respondents have no objection in case the application is allowed.

In view of the averments as made in the application, which are duly supported by an affidavit and keeping in view the fact that the learned counsel for the non-applicants/respondents have no objection, the present application is allowed and the delay in filing the appeal is condoned.

Application stands disposed of.

**Arb. Appeal No. _____ of 2026
(ARBAST No. 70498/2025) &
OMP No. ____ 2026 (OMPST No. 624 of 2026)**

Be registered.

Mr. Gaurav Bhardwaj, Advocate, has put in appearance on behalf of newly added respondents No. 2 (a) to 2(d) and he undertakes to file power of attorney on their behalf on or before next date of hearing.

At the request of learned counsel for the parties, list for consideration on 31.08.2026.

OMP No. 906 of 2026

Allowed. Applicant/appellant is exempted from filing English translation of copy of Annexure A-1, at this stage, subject to filing of the same within seven days, as and when directed to do so.

The application stands disposed off.

(Romesh Verma)
Judge

August 24, 2026 (Nisha)