

NHAI vs. Jagdish (deceased) through LRs & others

OMP(M) No. 225 of 2024

25.08.2026

Present: Ms. Shreya Chauhan, Advocate, for the applicant.

Mr. Yuyutsu Thakur, Advocate, for the respondents.

OMP(M) Nos. 538 & 539 of 2026

The instant applications have been filed for bringing on record the legal representatives of respondent No.1 and for condoning the delay in filing OMP(M) No. 538 of 2026.

It is contended in the application that the factum of death of respondent No.1 was not within the knowledge of the applicant until the matter was listed before this Court on 25.06.2026 that he had died on 27.09.2020. Immediately, thereafter, steps were taken for bringing on record the legal representatives of respondent No.1. Therefore, it has been prayed that the delay in filing the application for bringing on record the legal representatives of respondent No.1 is neither intentional nor willful, but the same has occurred due to unavoidable circumstances.

The learned counsel for the non-applicants has no objection in case the application is allowed.

Consequently, in view of the averments as made in the applications, which are duly supported by

the affidavits and in view of submissions as made by learned counsel for the applicant, the present applications are allowed and the delay in bringing on record the legal representatives of respondent No.1 is condoned and the legal representatives as detailed in para-3 of the application bearing OMP(M) No. 538 of 2026 are ordered to be brought on record as respondents No. 1(i) to 1 (vii). The applications stand disposed of.

OMP(M) No. 225 of 2024

The present application has been filed for condonation of delay of 159 days in filing the present appeal. It has been averred that the impugned judgment was passed by learned District Judge, Bilaspur on 15.12.2023. Learned counsel for the applicant had applied for certified copy of impugned judgment on 16.01.2024 and the same was delivered on 13.02.2024. However, the disposal of the case was not within the knowledge of the applicant as the same was never intimated to the applicant by its counsel.

As per the applicant, earlier also, due to inefficiency and lackadaisical attitude of the law firm, namely, M/s M.V. Kini & Co, cases were withdrawn from it on 20.09.2023. It is further submitted that the applicant was under bonafide belief that the instant case is pending before the learned District Judge, Bilaspur

and on closing of the financial year, the applicant inquired from all the counsels/law firms about the pendency of all the cases pending in various forums throughout the State of H.P. and came to know that objection petitions pertaining to Mohal Dhararsani have been disposed of.

It is contended by the learned counsel for the applicant that the legal opinion was sought for determining the future course of action and the said opinion was received by the Regional Office. Thereafter, the matter was examined at various levels for the purpose of filing the appeal and finally it was decided to challenge the award as passed by the learned District Judge, Bilaspur. Therefore, it has been prayed that the delay in filing the appeal is neither intentional nor willful, but the same has occurred due to unavoidable circumstances.

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

Consequently, in view of the averments as made in the application, which is duly supported by an affidavit and in view of submissions as made by learned counsel for the applicant, the present application is allowed and the delay in filing the appeal is condoned. The application stands disposed of.

Arb. Appeal No._____/2026

Appeal be registered.

Heard.

Admit.

Send for records.

List for hearing in due course.

OMPST No. 38240 of 2024

Be registered.

Heard.

Subject to deposit of entire awarded amount along with up-to-date interest by the appellant/applicant within a period of eight weeks from today, the operation, implementation and execution of impugned judgment dated 15.12.2023, as passed by learned District Judge, Bilaspur as well as arbitral award dated 09.07.2018, is ordered to be stayed during the pendency of appeal.

Application stands disposed of.

(Romesh Verma)
Judge

25th August, 2026
(kck)