

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 204 OF 2015 IN  
FIRST APPEAL NO. 481 OF 1997**

Asarabai Kondiba Jadhav  
died through Lrs. and anr.

.. Applicants

VERSUS

The Chief Executive Officer,  
Z.P. Beed

.. Respondent

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Mr. G.M. Jadhav, Advocate for the applicants  
Mr. H.K. Mundhe, Advocate for the respondent

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**CORAM : M.T. JOSHI, J.**

**DATE : 09/01/2015**

**ORAL ORDER :**

1. Heard.

2. The order dated 12/3/2014 would show that the same is passed without adverting to the fact that the order under the Workmen's Compensation Act was not passed jointly in favour of the respondent nos.3 to 7 as well as the present applicants.

3. In the circumstances, since error apparent on the face of record has occurred, upon hearing both the sides, the civil application is allowed in terms of prayer clause (C), which reads as under:-

“(C) The above First Appeal be restored to its stage at which it was pending by setting aside order dated 12/3/2014 in above appeal.”

4. Further upon hearing both the sides and finding that original respondent no.1 Asarabai had already died, prior to the date of passing of the said order, the prayer in the present application for bringing her legal representative on record is granted. Delay occurred due to the communication gap between the Advocate and the applicants in this regard is hereby condoned. The legal representatives be brought on record within a period of two (2) weeks from the date of this order.

5. Since no compensation was granted to the respondent nos.3 to 7 and they had not challenged the same, respondent nos.3 to 7 are not necessary parties. In the circumstances, upon adding the legal representatives of original respondent no.1-Asarabai on record, the Appeal be fixed for final hearing on 04/02/2015. Civil Application disposed of.

**[M.T. JOSHI]**  
**JUDGE**

arp/