

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CAW NOS. 1422/2016 AND 1423/2016
IN WRIT PETITION NO. 4129 OF 2005

(Shri Paikujji s/o Tukaram Chiwande (dead) Smt. Sayabai wd/o Paikujji Chiwande vs. The
Divisional Mechanical Engineer (Power), Central Railway, Nagpur & Ors.)
(Smt. Surekha Chandrahas Amte - Applicant)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
NOVEMBER 15, 2016.

Heard Shri Vishal Anand, learned counsel for the applicant and Shri Z.S. Shekhani, Advocate holding for Shri R.G. Agrawal, learned counsel for the respondents.

The original petitioner Paikujji unsuccessfully assailed his dismissal before the Central Administrative Tribunal (CAT) and the judgment delivered by the CAT has been questioned in the writ petition. Writ Petition filed in the year 2005 is pending for final hearing since then. He has expired on 05.03.2006. The applicant Surekha claims to be his daughter. She points out that the petitioner Paikujji expired on 05.03.2006 and his widow Sayabai was allowed to come on record on 05.04.2006. Sayabai expired on 23.09.2014 and the applicant Surekha was not aware of these proceedings.

The learned counsel appearing for the respondents is opposing the prayer for condonation of delay. He states that there is nothing on record to show that Surekha is daughter of Paikujji.

We keep the said contention open. As we do not find any malafides, the application is allowed. Accordingly, Surekha Chandrahas Amte is allowed to come on record by condoning delay. The necessary amendment be carried out within three weeks.

Both the applications are accordingly allowed.

Liberty to the respondents to file additional affidavit, if any, within a further period of four weeks.

JUDGE

JUDGE

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