

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO. 7557 OF 2018 IN WP/90/2011
ARJUN JOROSINGH JADHAV VERSUS SAYYAD SALIM CONTRACTOR

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Advocate for Applicants : Shri Dhengle S.A.
Advocate for Respondent : Smt. Kazi Fatima h/f Shri Kazi S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 27, 2018

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PER COURT :-

1. The learned Advocate appearing through the Legal Aid Services Authority on behalf of the applicants submits that these applicants are the L.Rs. of the deceased / sole petitioner. They do not have the financial strength, even to engage an Advocate or approach the Court. They have approached the Legal Aid Services Authority and could knock the doors of this Court.

2. It is stated that the petitioner passed away on 10.1.2011. The applicants were unaware about the pending proceedings. When they received the letter dated 22.3.2018, from the learned Advocate, they have obtained the death certificate and have approached the Legal Aid Services Authority.

3. Learned counsel for the respondent has strenuously opposed this application. Contention is that these applicants should have been diligent. It is unbelievable that they were not aware of the legal proceedings initiated by the deceased Arjun as all of them were living

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together. On account of negligence and a casual approach, this application deserves to be rejected.

4. Upon considering the submissions of the learned Advocates and after going through the record available, it appears that the deceased Arjun had approached the Labour Court under Section 33(C)(2) of the Industrial Disputes Act. After suffering an adverse order on 20.8.2008, he has approached this Court on 9.7.2009. The applicants comprise of the widow and children of deceased Arjun.

5. If the delay is not condoned in the above peculiar fact situation, the claim of the deceased for recovery of his unpaid wages for an amount of Rs.85,480/-, would never be considered by the Court.

6. In view of the above, this application is allowed. The applicants shall be brought on record in the Writ Petition on/or before 13.8.2018. Considering the peculiar facts and as the applicants had approached this Court through the Legal Aid Services Authority, I am not imposing costs.

7. List the Writ Petition on 21.8.2018. Parties may note that if possible, the petition would be heard finally at admission stage.

(RAVINDRA V. GHUGE, J.)