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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2577 OF 2018
IN
WRIT PETITION NO.206 OF 2006

Union of India and Ors.	... Applicants
Vs.	
Vinay Kumar Gupta and Ors.	... Respondents

Mrs. Anjali Helekar I/by Mr. Aniruddha A. Garge for the Petitioner.

CORAM : A.S.OKA AND
SANDEEP K. SHINDE, JJ.

DATE : 14th DECEMBER 2018.

P.C. :

1 The applicants have filed the main writ petition for challenging the Judgment and Order dated 7th May 2004 in the Original Application filed by the first respondent in the writ petition. The first respondent died on 10th April 2004. In terms of the order dated 25th September 2018, the Deputy Registrar of the Central Administrative Tribunal has submitted a report that the final arguments in the Original Application were heard on 20th April 2004. Hence, when the final arguments were heard, the first respondent (applicant in the Original Application) was no more. The legal representatives of the first respondent did not apply for bringing their names on record.

2 As the applicants were not aware at the time of filing of this writ petition that the first respondent had died on 10th April 2004, the present application has been filed for bringing the names of the legal representatives of the first respondent on record.

3 In fact, prima facie, the impugned order will have to be set aside only on the ground that even before final arguments were heard in the Original Application, the first respondent in the writ petition (applicant in the Original Application) was no more and his legal representatives were not brought on record.

4 However, the applicants have filed the present application for bringing the names of the legal representatives of the respondent on record. Considering the aforesaid facts, service of notice to the proposed legal representatives is not necessary. In this case, there is no question of delay as the first respondent had died before the arguments in the Original Application were heard.

5 Accordingly, the application is allowed in terms of prayer clause (b). Amendment to be carried out in the main writ petition within a period of two weeks from the date on which this order is uploaded. After amendment is carried out, issue notice in writ petition for final disposal at admission stage to the respondents returnable on 4th February 2019. The petition shall be listed under the caption of "Admission". In addition to service through Court, private service is permitted.

(SANDEEP K. SHINDE, J.)

(A.S.OKA, J.)