

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1324/2017
in
First Appeal (ST) No.2083/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Abhijit P. Kulkarni for the Applicant Ms. Ruchika Dave I/b. S. S. Vidyarthi for Respondent nos.1 and 2.

CORAM: K.K.TATED, J.
DATED : OCTOBER 14, 2019

P.C.

1 Heard. This Application is for condonation of 21 days delay in preferring the appeal challenging the judgment and award dated 01.09.2016 passed by the MACT, Mumbai in Claim Application No.2655/2011.

2 The learned counsel for the Applicant submits that the Civil Application stood dismissed against Respondent No.3 by order dated 09.04.2018 passed by the learned Registrar Judicial (II) . He submits that Respondent No.3 is a mother of Respondent Nos.1 and 2. He submits that all legal heirs of deceased

Respondent No.3 are on record. Hence, he may be permitted to delete the name of Respondent No.3 and allow the Applicant Nos.1 and 2 as legal heirs of deceased Respondent No.3 by restoring the Civil Application against Respondent No.3.

3 The learned counsel for the Applicant submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and matter be heard on merits.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

a. Order dated 09.04.2018 passed by the learned Registrar Judicial (II) dismissing the Civil Application against Respondent No.3 is restored.

b. The Applicant is permitted to delete the name of Respondent No.3 from the array of the present proceedings.

c. The Applicant is permitted to treat Respondent Nos.1 and 2 as legal heirs of deceased Respondent No.3 by carrying out amendment on or before 16.11.2019.

d. Delay in filing the Civil Application is condoned.

e. The Civil Application stands disposed of accordingly.

f. The Appellant is directed to remove all office objections in the First Appeal on or before 16.11.2019, failing which the First Appeal shall stand dismissed without further reference to the court.

g. If all office objections are removed within stipulated time as stated hereinabove, office is directed to place the First Appeal on board on 25.11.2019 for admission.

(K.K.TATED, J.)