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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 17921 OF 2022
IN
INTERIM APPLICATION (ST) NO. 5790 OF 2021
IN
WRIT PETITION NO. 2728 OF 2006**

R. C. Panigrahi, since deceased
through legal representative
Bishnupriya Ramesh Panigrahi .. Applicant

In the matter between :

R. C. Panigrahi (since deceased) .. Petitioner
Vs.
The Union of India & Anr. .. Respondents

Mr. Anurag R. Saxena a/w R. P. Saxena for applicant.
Ms. Neeta Masurkar a/w Ms. Nityati Masurkar for
respondents.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE : SEPTEMBER 13, 2022

P.C.:

1. Interim Application (St.) No. 5790 of 2021 is at the instance of Bishnupriya Ramesh Panigrahi. She claims to be the widow of R. C. Panigrahi, who was the writ petitioner in Writ Petition Nos. 2728 of 2006 and 2898 of 2007. R. C. Panigrahi passed away on 22nd January 2021 leaving behind the applicant as his surviving heir. By filing such application, the applicant sought for substitution in place and instead of her deceased husband.

2. Since one consolidated application was filed in respect of two writ petitions, the Registrar (Judicial-I) raised an objection to the effect that a separate interim application is necessary for Writ Petition No. 2898 of 2007. Time was also granted to the applicant to remove the office objection which she failed to remove. This resulted in an order 7th October 2021 being passed rejecting registration of Interim Application (St.) No. 5790 of 2021.

3. Because of rejection of registration of Interim Application St. No. 5790 of 2021 by the order dated 7th October 2021, Interim Application No.17921 of 2022 has been filed in Interim Application (St.) No. 5790 of 2021 seeking recall of the order dated 7th October 2021 and for restoration of Interim Application (St.) No. 5790 of 2021 to its original file and number.

4. The parties have been heard.

5. We are of the view that even if the applicant had not filed a separate application in Writ Petition No. 2898 of 2007, Interim Application (St.) No. 5790 of 2021 could have been regarded as the application for substitution filed in the first of the two connected writ petitions being Writ Petition No. 2728 of 2006.

6. The order of the Registrar (Judicial-I) dated 7th October, 2021 stands set aside. Interim Application No. 17921 of 2022 stands allowed, without costs, with the result that Interim Application (St.) No. 5790 of 2021 revives. It shall, for all purposes, be treated as an application for substitution in Writ Petition No. 2728 of

2006.

7. Since Interim Application (St.) No. 5790 of 2021 was filed within time and there being no dispute that the applicant is the surviving legal heir of R. C. Panigrahi (since deceased), we permit substitution in terms of the prayer in the interim application but confined to Writ Petition No. 2728 of 2006 only. Office to carry out the appropriate corrections in Writ Petition No. 2728 of 2006.

8. Interim Application (St.) No. 5790 of 2021 stands allowed. No costs.

9. The applicant is granted liberty to file a fresh application in connection with Writ Petition No. 2898 of 2007.

10. We find from an order dated 30th August, 2018 passed by a coordinate Bench of this Court that Writ Petition No. 2898 of 2007 was dismissed for default. There is no application seeking recall of such order and for restoration of Writ Petition No. 2898 of 2007 to its original file and number. The applicant shall be at liberty to file appropriate application for revival of Writ Petition No. 2898 of 2007.

(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)