



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2554 OF 2022
IN
FIRST APPEAL NO.529 OF 2018

Keshu Shankarlal Giri & Ors.

...Applicants/Appellants

Versus

Union of India,

Through General Manager,

Central Railway, CSTM Mumbai

...Respondent

Mr. Vasant N. More for the Applicants/Appellants.

Mr. T. J. Pandian a/w Ms. Gautam Modanwal for the Respondent.

CORAM : JITENDRA JAIN, J.

DATE : 23 JANUARY 2026

P.C.:

1. This interim application is taken out for deleting the name of appellant no.2 in the order pronounced on 23 March 2021 so that the compensation amount attributable to appellant no.2 can be directed to be paid to appellant nos.1 and 2 equally.

2. First Appeal No.529 of 2018 was heard on 5 March 2021, and the order was pronounced on 23 March 2021. However, the learned advocate for the appellants was not aware that appellant no.2 had already died on 5 February 2021. Therefore, this fact was not brought to the notice of the Court. This fact is now brought on record by way of the present application.

3. As per the order passed in First Appeal No.529 of 2018, the Court had directed to respondent to pay the claimants, the amount of compensation equally. However, due to death of appellant no.2, his share was not paid by the respondent.

4. In my view, since appellant no.2 has passed away, the amount attributable to be paid to appellant no.2 should now be paid to appellant nos.1 and 3 subject to obtaining indemnity cum affidavit from appellant nos.1 and 3 that there are no legal heirs of appellant no.2 except appellant nos.1 and 3, and if any person makes a claim, then appellant nos.1 and 3 will indemnify the respondent.

5. Interim Application is disposed of.

[JITENDRA JAIN, J.]