



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1165 OF 2025

(KULSACHIV, DR. PUNJABRAO DESHMUKH, KRUSHI VIDYAPEETH, AKOLA AND ANOTHER
VS
SURYABHAN RAJARAM KALBANDE)

AND

WRIT PETITION NO. 1166 OF 2025

(KULSACHIV DR. PUNJABRAO DESHMUKH, KRUSHI VIDYAPEETH, AKOLA AND ANOTHER
VS
NATHA YADAV SARKATE)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Abhay Sambre, Advocate for petitioners.

Mr. P. V. Kavishwar, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATED : MARCH 12, 2026

CIVIL APPLICATION (O) NO.660 OF 2025

IN

CIVIL APPLICATION (W) NO.1311 OF 2025

IN

WRIT PETITION NO. 1165 OF 2025

- 1) Perusal of the death certificate filed along with the applications, indicates that the respondent No.1 (Suryabhan Kalbande) has expired on 20/06/2018. He had filed Complaint (ULP)No.66/2016, which came to be allowed by the learned Industrial Court, Akola vide impugned judgment and order dated 20/07/2024. It appears that fact of demise of respondent No.1/original complainant was not brought to the notice of the learned Judge. In such circumstances, the complaint was allowed in favour of dead person. On realising this fact, the present applications are filed by the petitioners seeking permission to bring legal representatives of deceased respondent No.1/original complainant on record and for condonation of

delay in filing the said application. Since the respondent No.1/original complainant had expired while the complaint was pending, the application for bringing legal representatives will have be considered as an application for addition of parties, therefore, there is no question of condonation of delay. Application for condonation of delay is disposed of accordingly.

- 2) Having regard to the fact that the respondent No.1/original complainant had expired while the complaint was pending, it is necessary to join his legal representatives as respondent in the present writ petition. Application for bringing legal representatives on record is allowed treating it to be an application for addition of parties. Proposed legal representatives are ordered to be added as respondent Nos.1(a) to 1(e) in the writ petition.
- 3) Learned counsel Mr.Kavishwar, waives service of notice on behalf of newly added respondents.

CIVIL APPLICATION (O) NO.661 OF 2025
IN
CIVIL APPLICATION (W) NO.1315 OF 2025
IN
WRIT PETITION NO. 1166 OF 2025

- 1) Perusal of the death certificate filed along with the applications, indicates that the respondent No.1 (Natha Yadav Sarkate) has expired on 03/10/2020. He had filed Complaint (ULP)No.64/2016, which came to be allowed by the learned Industrial Court, Akola vide impugned judgment and order dated 20/07/2024. It appears that fact of demise of respondent No.1/original complainant was not brought to the notice of the learned Judge. In such circumstances, the complaint was allowed in favour of dead person. On realising this fact, the

present applications are filed by the petitioners seeking permission to bring legal representatives of deceased respondent No.1/original complainant on record and for condonation of delay in filing the said application. Since the respondent No.1/original complainant had expired while the complaint was pending, the application for bringing legal representatives will have be considered as an application for addition of parties, therefore, there is no question of condonation of delay. Application for condonation of delay is disposed of accordingly.

- 2) Having regard to the fact that the respondent No.1/original complainant had expired while the complaint was pending, it is necessary to join his legal representatives as respondent in the present writ petition. Application for bringing legal representatives on record is allowed treating it to be an application for addition of parties. Proposed legal representatives are ordered to be added as respondent Nos.1(a) and 1(b) in the writ petition.
- 3) Learned counsel Mr.Kavishwar, waives service of notice on behalf of newly added respondents.

WRIT PETITION NOS.1165 OF 2025 AND 1166 OF 2025

- 1) It appears from the record that although the complainants had expired on 20/06/2018 and 03/10/2020, their cross-examination is recorded on 27/02/2024. The respondents are directed to file affidavit explaining the position.
- 2) Interim order to continue till next date.
- 3) Stand over to 06/04/2026.

(ROHIT W. JOSHI, J.)