

MHLA010035062021



**COMMON ORDER BELOW EXH.19 and 21 IN ARBITRATION CASE**  
**No.371/2021**  
**National High Way Vs. Competent Authority & Or.**

The applicant has filed application below Exh.19 for bringing the legal representatives of deceased respondent No.2 on record and below Exh.21 for condonation of delay and setting aside the abatement.

2. It is contended by the applicant that the respondent No.2 has died on 13/02/2022 i.e. soon after the filing of present application for setting aside the arbitral award. The applicant was unaware of the death and therefore, the delay of 1166 days was caused. Accordingly, the applicant has prayed to condone the delay and record the legal representatives of deceased respondent No.2.

3. The legal representatives of respondent No.2 upon service of notices appeared through their learned advocate and have filed say to both the applications. The respondents have not contested the application as they have also prayed to condone the delay and record their names as legal representatives of respondent No.2.

4. Having considered the application and say. It is seen that there is delay of 1166 days but the said delay does not seem to be deliberated as the applicant who is National Highway Authority may not be aware about the death of respondent No.2 until the notice of the application was unserved for the reason of

death of respondent No.2. So also, as the legal representatives of respondent No.2 have not contested the claim, it is necessary to condone the delay and permit the applicant to record the names of Lrs. of deceased respondent No.2. Hence, I pass the following order-

**ORDER**

1. The application below Exhs.19 and 21 are allowed.
2. The delay of 1166 days is condoned.
3. The abatement is set aside.
4. The applicant shall bring the Lrs. of deceased respondent No.2 on record within statutory period.

Date-26/02/2026

(P. P. Kestikar)  
Adhoc District Judge-2,  
Latur.