

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.741 OF 2015

Bhagwat Deosaran Pal & anr. ... Appellants

Vs.

Union of India ... Respondent

Mr.Kunal Bhanage for the Appellants
Mr.D.J. Pandian for Respondent

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **23rd SEPTEMBER, 2015**

P.C.:

1. This appeal is directed against the judgment and order dated 21.1.2014 passed in the Claim Miscellaneous Application No.MA/MCC/2013/0013 thereby rejecting the application for condonation of delay. There is a delay of two years, six months and 18 days in filing appeal. The learned Member (Technical) of the Railway Claims Tribunal has taken a view that ignorance of law and poverty cannot be grounds for delay. However, it is also necessary for the Member to take into account merit of the case of the claimants and possibility of their success. The period of delay is also required to be taken into account if the claim is found to be *prima facie* genuine, then, subject to the final adjudication, it

can be considered as a ground available to the applicant in deciding the delay application.

2. In view of the above, the matter is remanded to the Tribunal to decide it afresh. The impugned order dated 21.1.2014 is set aside. The parties to appear before the Tribunal on 7.10.2015.

3. First Appeal is disposed of accordingly.

(MRIDULA BHATKAR, J.)

CERTIFICATE

Certified that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.