

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

**CIVIL APPLICATION NO.2898 OF 2015
IN
FIRST APPEAL STAMP NO.30239 OF 2014**

Vanita H Deshmukh and ors. : Applicants.
Versus
Union of India
Through the General Manager
Western Railway. : Respondent.

Mr. Kuldeep Singh for the Applicants.
Mr. Chetan C Agarwal for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 06th June 2016

P.C.

1 The above Civil Application has been filed seeking condonation of delay of 2 years and 44 days in filing the above First Appeal.

2 The above First Appeal has been filed against the judgment and order passed by the Railway Claims Tribunal Mumbai and challenge to the order is only to the extent of non-grant of interest to the claimants. The Applicant Nos.1 to 4 are the wife and children of the deceased who died in the railway accident and the Applicant No.5 is the sister of the deceased.

2 The reasons for the said delay of 2 years and 44 days are mentioned in paragraphs 3 and 4 of the above Civil Application. The sum and

substance of the reasons is that the Applicant No.1 is a poor illiterate widow and on account of her poverty she could not file the Appeal in time.

3 The above Civil Application is sought to be opposed by Mr.Chetan Agarwal, the learned counsel appearing for the Respondent – Western Railway.

4 The reasons mentioned in the Application are sought to be controverted on the ground that the Applicant No.5 is working with the Airport Authority of India as a sweeper. It seems that the Applicant No.5 is working with the Airport Authority of India as a sweeper whereas the Applicant No.1 who is the widow of the deceased is doing some odd jobs and earning her livelihood. It seems that the Applicant No.5 has to look after the family of her deceased brother i.e. the Applicant Nos.1 to 4.

5 In my view, case for exercise of discretion in favour of the Applicants is made out. The above Civil Application is accordingly allowed. Resultantly, the delay of 2 years and 44 days in filing the above First Appeal stands condoned. The above Civil Application is accordingly disposed of. List the above First Appeal for admission after four weeks.

[R.M.SAVANT, J]