

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

WRIT PETITION NO.37 OF 2016

(Namdeo s/o Shamrao Dandekar and others ..vs.. Union of India, Mumbai through General Manager)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 06-01-2016

Heard Shri R.G. Bagul, learned Advocate for the petitioners.

2. The petitioners have challenged the order passed by the Railway Claims Tribunal rejecting the application filed by the petitioners seeking permission to amend the claim application. On perusal of the amendment application which was filed by the petitioners before the Tribunal, it is not possible to gather as to what amendment the petitioners are seeking.

3. The learned Advocate for the petitioners, in the facts, seeks permission to withdraw the application with liberty to file fresh application for seeking permission to amend the claim application. Though in the normal course, even an order granting permission for withdrawal of the application after it is decided by the Tribunal, should be passed after issuing notice to the respondent. In the peculiar facts of this case, without hearing the respondent, the petitioners are permitted to withdraw

the application seeking permission to amend the claim application with liberty to file fresh application seeking permission to amend the claim application. As the application is withdrawn, the impugned order loses its efficacy.

4. The Tribunal is directed to consider the application which may be filed by the petitioners seeking permission to amend the claim application on merits, according to law, after hearing the respondent.

5. The petition is disposed in the above terms. No costs.

JUDGE

pma