

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO. 3839 OF 2016
IN FAST/7590/2016

JIVAN ASARAM MALI AND ANR
VERSUS
UNION OF INDIA, THR G.M. CENTRAL RAILWAY, C.S.T. MUMBAI

...
Advocate for Applicants :Mr. Vishnu B. Madan
Adv. for Respondents: Mr. M.N. Navandar

CORAM : K.K. SONAWANE, J.

DATE : 29th September, 2017.

PER COURT:

Heard learned counsel for the applicant and learned counsel for the respondent Union of India. Perused the application and findings recorded by the learned Railway Tribunal. It has been submitted that there is a delay of 50 days for filing the first appeal against the impugned judgment and award of the Railway Tribunal. The delay was caused due to unavoidable circumstances. Hence, the learned counsel prayed to condone the delay.

2] Learned counsel for the respondent Union of India fairly submitted that just and suitable orders be passed in the interest of justice.

3] In view of nature of subject matter as well as reasons mentioned in the application I do not find any impediment to condone the delay. It would not cause any injustice or prejudice to the respondent - Central Railway, but it would subserve the purpose of substantial justice. An opportunity needs to be given to the applicant to ventilate its grievances. Hence, the application stands allowed in terms of prayer clause (B). So

called delay of 50 days caused for filing the first appeal is hereby condoned. Registry to take requisite steps for further process. On registration of appeal issue notice to respondents. The learned counsel for the respondent Shri Navandar waives notice for sole respondent.

Call for R.& P. from the concerned Railway Tribunal. After compliance of formalities of print appeal be listed for final hearing on merit in due course.

[K.K. SONAWANE]
JUDGE.

grt/-