

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 CIVIL APPLICATION NO. 4911 OF 2016
IN FAST/8914/2016

SHABABABANO PHIYYAJHUSEN AND OTHERS
VERSUS
THE UNION OF INDIA THR THE G.M., CENTRAL RAILWAY, C.S.T.
MUMBAI

...
Advocate for Applicants : Mr. M.M. Bhokarikar
Advocate for Respondent : Mr Manish N. Navandar
..

CORAM : K.K. SONAWANE, J.

DATED : 16th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants and respondent.
2. Perused the application and relevant documents produced on record. The matter pertains to compensation under Railways Tribunal Claims Act, 1987. The learned Railway Tribunal dealt with the matter and dismissed the claim petition filed by the present applicants-appellants. Being dissatisfied with Judgment and the Award of the learned Railway Tribunal, the applicants-claimants is intending to prefer the appeal before this Court, but there is delay of (225) days in filing the first appeal. According to learned counsel for the applicants the so-called delay is not intentional or deliberate, but it caused due to unavoidable circumstances. In view of benefits available under beneficial legislation the learned counsel prayed to condone the delay.
3. Mr. Navandar, learned counsel for respondent raised objection and submits that the delay caused in filing the First Appeal is not satisfactorily explained on the part of applicants and the same may not be condoned. Therefore, he prayed to reject the application.

4. Having considered the rival submissions on behalf of both sides and in view of intention and purpose of beneficial legislation for compensation under Railway Tribunal Claims Act, there is no impediment to condone the delay for providing opportunity to the applicants to approach to the Appellate Forum to ventilate the grievance for redressal. It would not cause any injustice or prejudice to the respondent. In contrast, it would sub-serve the purpose for the substantial justice. Hence, application for condonation of delay stands allowed in terms of prayer clause "B". The delay caused in filing the first appeal is hereby condoned. The registry to take requisite steps for further process. The civil application stands disposed of accordingly.

5. On registration of appeal, issue notice to respondent. Mr. Navandar, learned counsel waives service of notice for respondent and prays for copies of the appeal memo. The applicants to supply the copy of appeal memo along with relevant documents appended with appeal memo to the learned counsel Mr. Navandar.

6. Call for record and proceedings.

7. Stand over to 15-01-2018.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK