

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
MISC. CIVIL APPLICATION NO.264/2018
IN
FIRST APPEAL NO...../2017
(Shaikh Waseem s/o Sk. Sattar vs. Union of India and another)

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

Court's or Judge's order

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 Mr. S.K.Sable, Adv. for applicant
 Mr. N P Lambat, Adv. for respondent no.1
 Mr. S.B.Bissa Adv. For respondent no.2

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 14th August, 2018.

This is an application seeking permission to file the appeal under Order 44 Rule 1 of the CPC .

It is submitted that on 8.8.2014 while the applicant was travelling as a bona fide passenger by Deogiri Express from Nanded to Parbhani, he fell down from the running train near KMNO 49 Shivaji Nagar Bridge. The applicant received injuries and his left leg was required to be amputated. The applicant had filed a claim application before the Railway Claims Tribunal for compensation. Since the Member of the Tribunal has not granted the compensation as asked for, the applicant has filed an application for enhancement of compensation of the said amount. It is further submitted that the applicant is a poor person and is unable to pay the court fees. The applicant therefore requested to file an application as an indigent person.

After hearing both sides, report was called for from the respondent Collector, Nanded. Perused the report along with the pursis. The report shows that there is no movable or immovable property in the name of applicant-Sk.Wassem Sk.Sattar.

In view of the specific report tendered by the respondent no. 2, the Application deserves to be allowed.

Misc. Civil Application is allowed. The applicant is permitted to file the appeal under Rule 44 Rule 1 CPC.

JUDGE

sahare