

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

**915. CIVIL APPLICATION No. 4559 of 2019**  
**IN FA(ST)/6876/2019**

Radhesham S/o Sukhlal Yadav and another ...Appellants

Versus

Union of India,  
through its General Manager,  
Western Railway, Churchgate, Mumbai ...Respondent

*Mr. Girish A. Nagori, Advocate for appellants*  
*Mr. M.N. Navandar, Advocate for respondent.*

**CORAM : V.L. ACHLIYA, J.**

**DATE : 4<sup>th</sup> April, 2019**

**PER COURT :**

1. Applicants have moved this application for condonation of 17 days' delay caused in filing appeal against impugned judgment and award passed by the Railway Claims Tribunal, Nagpur.

2. Heard the learned Counsel for the applicants and the learned Counsel representing the respondent.

3. In brief it is the contention of the learned Counsel for

the applicants that the delay caused in filing appeal was not deliberate but resulted due to time spent in collecting necessary papers from the advocate representing the applicants residing at Nagpur. In the process there was delay of 17 days in filing appeal. It is submitted that the Railway Claims Tribunal had rejected the claim of the applicants. In case delay is not condoned, serious prejudice would cause to applicants.

4. On the other hand, learned Counsel for the respondent strongly opposed the application with contention that there is absolutely no sufficient cause assigned go condone the delay. It is submitted that the cause assigned cannot be treated as sufficient to condone delay of 17 days.

5. Considering the submissions advanced in the light of the reason assigned for seeking condonation of delay of only 17 days, I am of the view that the delay deserves to be condoned. In case delay is not condoned, there is likelihood that the applicants may suffer serious prejudice as the Tribunal has rejected their claim. In case delay is condoned no serious prejudice will cause to respondent and ultimately the case will be decided on its own merit. I am, therefore, inclined to allow the application.

Accordingly the application is allowed in terms of prayer clause 'B'.

Delay is condoned.

6. Appeal be registered and place for admission on 6<sup>th</sup> June 2019.

7. Mr. Navandar, learned Counsel waives service for the respondent.

8. Call for record and proceedings and put up with record and proceedings.

9. The application be marked as disposed of.

10. Stand over to 6<sup>th</sup> June 2019.

**( V.L. ACHLIYA )**  
**JUDGE**

*Madkar*