

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.2144 OF 2017
IN
FIRST APPEAL (ST) NO. 4482 OF 2017

Ranjana Ramdas Rasal and Ors. .. Applicants

Versus

Union of India through the
General Manager, Central Railway,
C.S.T., Mumbai. .. Respondent

...

None for the Applicants.
None for the Respondent.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 2144/2017 is taken out by the applicant seeking condonation of delay in filing the First Appeal, challenging the judgment dated 29th January, 2016 passed by the Railway Claims Tribunal, Mumbai in Application No. OA(IIU) MCC/2009/1034. The applicants seek to condone the delay of 161 days and reason stated is that the applicants are poor person and due to poverty and illiteracy, they were unable to file First

Appeal within the prescribed period of limitation. It is also stated that the applicants were under severe mental stress on the death of head of the family i.e. husband of the applicant No. 1 and she was in search of livelihood, facing destitution and starvation. Therefore, she could not file the appeal within prescribed period of time.

2. The provision for condonation of delay, being based on public policy and since it aids in doing justice, I am inclined to condone the delay in filing the First Appeal. Accordingly, Civil Application No. 2144/2017 is allowed in terms of prayer clause (a). Registry is directed to register the First Appeal and upon registration of the same, issue notice to the Union of India, returnable after 4 weeks.

SMT. BHARATI DANGRE, J.