

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.2079 OF 2016
IN
FIRST APPEAL (ST) NO. 6140 OF 2016

Shri Mohd. Hanif Hussain Khatri and Anr. .. Applicants

Versus

Union of India .. Respondent

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Mr. Vaneet Khosla for the Applicants.

CORAM: BHARATI DANGRE, J.
DATED : 29th AUGUST, 2019.

P.C:-

1. By the present Civil Application No. 2079/2016, the applicants are seeking condonation of delay of 251 days in filing the First Appeal. The First Appeal is instituted assailing the judgment dated 15th January, 2015 passed by the Railway Claims Tribunal, Mumbai Bench, Mumbai, thereby dismissing the claim of the Claimants and with an observation that it is the case of trespass. The applicants are aggrieved since their son aged 19 years who was traveling from Borivali to Churchgate Railway Station by local train fell down and succumbed to the injuries.

2. According to the learned counsel, the Member (Technical) of the Railway Claims Tribunal has failed to take into

consideration the relevant fact established that he was bonafide passenger and was traveling by the local train.

3. On perusal of the application for condonation of delay, the applicants who are parents of the deceased have proceeded to state that judgment was passed by the Railway Claims Tribunal, Mumbai Bench, Mumbai, on 15th January, 2015. However, certified copy was made available on 30th March, 2015. The applicants have cited the reason that they being the parents of the deceased, were under utmost shock and confusion and when they overcome their grief, they searched for an Advocate, which took some time and it is also stated that they were to collect the relevant documents and this has consumed some time, resulting delay of 251 days in filing the present appeal.

4. Heard the learned counsel for the applicants and for the reasons which are stated in the application to be the ground for condonation of delay, no doubt, satisfy me that sufficient cause has been shown for condoning the delay. Civil Application No. 2079/2016 is allowed. Since, the delay is condoned, the Registry is directed to register the First Appeal. Upon registration of the same, Registry is directed to issue notice to the respondent, returnable on 26th September, 2019.

SMT. BHARATI DANGRE, J