

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1157 OF 2017
IN
FIRST APPEAL STAMP NO. 7909 OF 2017

Union of India .. Applicant

In the matter between

Union of India .. Appellant

Vs.

Liberty Oil Mills Ltd. .. Respondent

Mr.Navin Bagul I/b Mr.T.J. Pandian, for the Applicant.
Ms.Eventa A.Gonsalves a/w Mr.Reyden L. Gonsalves, for
Respondent.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel for parties.

2. By this Civil Application, applicant is seeking
condonation of 100 days delay in filing First Appeal challenging
judgment and award dated 21/04/2016 passed by Railway

Claims Tribunal, Mumbai Bench, Mumbai in Application No. OA(III)/MCC/2007/0001.

3. Learned Counsel for the applicant submits that before filing First Appeal, they have to take approval from several departments. Hence, there is delay in filing First Appeal. He submits that they have good chance of success in the present proceedings. He submits that in the interest of justice, this Hon'ble Court may please to allow the application.

4. On the other hand, learned Counsel appearing on behalf of the respondent vehemently opposes the present Civil Application. He submits that the applicant has not shown sufficient cause for condonation of inordinate delay of 100 days. Hence, there is no substance in the present Civil Application and the same is required to be dismissed with costs.

5. I have heard both sides at length. Considering the submissions made by learned Counsel for the applicant and as

they have to take approval from several departments before filing First Appeal on behalf of Central Government, I am satisfied that applicant has made out a case for allowing Civil Application. It is to be noted that the Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123* held that the object of fixing the time limit is not meant to destroy the rights. The law of limitation fixes a lifespan for such legal remedy for the general welfare.

6. In view of the above mentioned facts and the law declared by the Apex Court in the case of *N.Balkrishnan (surpa)*, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, the following the order.

ORDER

- 1) Delay in filing the First Appeal is condoned.
- 2) Civil Application stands disposed of accordingly.
- 3) No order as to costs.

(K.K.TATED, J.)