

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1187/2016
IN
FIRST APPEAL (ST)NO.13062/2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mr.Kuldipsingh for applicant.
Advocate Mr. T.J. Pandian for respondents.

**CORAM : K. K. TATED, J.
DATE : AUGUST 16, 2019.**

P.C.:

Heard learned counsel for parties.

2 By this civil application, the applicant/claimant is seeking condonation of 199 days delay in filing first appeal.

3 Learned advocate for applicant submits that wrongly it is stated in civil application that delay is only 199 days. Learned counsel for

applicant submits that in the present proceeding Railway Claim Tribunal passed Judgment and Award dated 6.7.2009. Therefore, they received copy on 7.7.2019 and filed first appeal before this Court on 8.4.2005. Learned counsel for applicant submits that applicant is poor and handicapped person. He submits that he is suffering from destitution and starvation. Therefore, there is delay. On the basis of this submission, learned counsel for applicant submits that this court be pleased to condone the delay.

4 Learned counsel for respondent vehemently opposed the application. He submits that applicant failed to disclose sufficient cause for condonation of inordinate delay for filing first appeal. Reason given by applicant in para 3 of the application can not be termed as sufficient cause for condonation of delay. Hence, there is substance in it.

5 I heard both sides at length. It is to be noted that in the present proceeding, Railway Claim Tribunal passed Judgment and Award dated 6.7.2009. The Certified copies were

received by applicant on 7.7.2009. Thereafter applicant filed first appeal. Bare reading of civil application shows that applicant has filed same in casual manner. Nowhere it is stated in the application, why applicant has taken 5 years for filing first appeal.

6 Considering this fact, I do not find any reason to entertain this civil application. Hence, the following order.

- a) Civil application stands rejected.
- b) No order as to cost.

(K.K.TATED, J.)