

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.993/2018

with

First Appeal (ST) No.30848/2017

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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Mr. Kuldeep Singh for the Applicant

CORAM : K.K.TATED, J.

DATED : JULY 31, 2019

P.C.

1 Heard. This Application is for condonation of 448 days delay in preferring the appeal challenging the judgment and award dated 18.04.2016 passed by the Railway Claims Tribunal, Mumbai in Claim Application No.OA No.261/2010 u/s.16(1) read with section 13(1-A) of the Railway Claims Tribunal and Section 124-A of the Railways Act 1989 seeking compensation of Rs. 1 lac.

2 The learned counsel for the Applicant submits that because of poor financial condition and illiteracy, it remained on the part of the Applicant to file the First Appeal within time. He relies on paragraph 2 of the Civil Application which reads thus:

“2 That I the Appellant above named am very poor and illiterate person. Because of poverty and illiteracy I could not file the above said First Appeal in the prescribed period, hence there is delay of 448 days in filing of above said First Appeal.”

3 The learned counsel for the Applicant submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in filing the First Appeal and matter be heard on merits. If delay is not condoned, irreparable loss will be caused to them.

4 Bare reading of Civil Application shows that it is filed in a casual manner. The Applicant has failed to show sufficient cause for condonation of inordinate delay in filing the First Appeal.

5 Financial crisis and illiteracy cannot be a ground for condonation of delay. Hence, the Civil Application stands rejected.

6 In view thereof, registration of the First Appeal stands rejected.

(K.K.TATED, J.)