

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.2101/2019

IN

FIRST APPEAL STAMP NO.22690/2018

Damodar S/o Rampal Biyani and another

..Vs..

Union of India, through the General Manager, Central Railway, Mumbai
CST

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Gayatri Dive, Advocate h/f Shri P.R. Agrawal, Advocate for the
applicants / appellants.

CORAM : NITIN W. SAMBRE, J.

DATED : 16.9.2019

1] Heard.

2] There is a delay of 101 days caused in
preferring this appeal.

3] Apart from above, before the Tribunal
evidence of Ulhas Deshmukh, Station Manager, who is
examined as R.W.1, prevailed over for rejection of the
claim. The claimants relied on the oral testimony of
Kamlabai i.e. claimant who was not aware as to whether
her son boarded a train because of which accident is
caused though all other papers viz. licence, ATM card
etc. were recovered. No journey ticket was noticed on
the body of the deceased. The evidence of the
claimant's witness does not repose confidence in the

story put-forth for lodging claim and as such the appellants failed to prove that the deceased was travelling as *bona fide* passenger on the train in question.

4] That being so, no case for interference is made out. The application for condonation of delay is **rejected**. Consequently, the appeal fails. It is **dismissed** accordingly. No costs.

JUDGE

Tambaskar.