

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

Civil Application (F) No.2222/2019 In First Appeal St. No.18637/2018
(Dwarkabai Aavhade V Union of India)

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

Court's or Judge's orders

Shri PR.G. Bagul, Adv for appellant.
Shri Nitin Lambat, Adv for respondent.

CORAM : S.M. MODAK, J.
DATE : 11-12-2020.

The Railway Claims Tribunal as per the judgment dated 20-02-2017, was pleased to dismiss the claim petition of the claimant. The correctness is challenged on behalf of the applicant. Earlier the applicant was told that she was required to pay Court fee, if at all the appeal has to be preferred. At that time, she was short of money. Later on, it was told to her that the appeal can be filed on a Court fee of ₹ 25/-, in view of the decision of the Division Bench.

2. The condonation of delay is opposed by learned Advocate Shri Lambat for the respondent.

3. The reasons are convincing. The applicant is ready to waive the interest for the period condoned. The litigant is entitled to take benefit of the latest interpretation given by this Court. Hence, the order :

ORDER

- (a) Delay of 443 caused in preferring an appeal is condoned, subject to waiver of the interest for that period.
- (b) Application is disposed of.

First Appeal No. /2020

Heard.

Admit.

Call for the R and P.

Issue notice for final hearing to the respondent after receipt of the record and proceedings.

Learned Advocate Shri Lambat, waives notice for the respondent.

The appellant to give copies to the respondent.

(S.M. Modak, J.)