

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

**INTERIM APPLICATION NO.430 OF 2021
IN
FIRST APPEAL [STAMP] NO.98915 OF 2020**

Union of India]...Applicant.

IN THE MATTER BETWEEN:

Union of India]... Appellant.

Vs.

Smt.Jomi Sitaram Pathe & Anr.]...Respondents

....

Mr.T.J. Pandian for applicant/appellant.

Ms. Sapna Rachure a/w Mr.Manjit Thakure for respondent no.1.

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22ND MARCH, 2021

P.C. :

1. Heard Mr.Pandian, the learned Standing Counsel for the Union of India/Appellant.
2. Delay of 1 year 80 days has occurred in filing the appeal against the judgment and order passed by the reference court at Alibag on 20th May 2019 in LAR No.118/2003.
3. Mr.Pandian submits that the delay has occasioned mainly due to official correspondence, in the sense, the Chief Engineer (Construction) Central Railway Mumbai, CST's views were sought. Thereafter, the file

was to be moved to the Headquarter for obtaining legal opinion.

4. For such other reasons, he prays for condoning the delay by stating that the appellant has a good case on merits. Learned Counsel has also stated the reasons of COVID-2019 Pandemic due to which the head office and the branch office of Railway came to a standstill from March to June 2020.

5. Learned Counsel for the respondent, however, objects the prayer of the applicant seeking condonation of delay. Having considered the respective submissions, I am of the view that even after taking into consideration the reasons in the application, after lockdown, the applicant could have taken steps to prefer the appeal at the earliest. Thus, the delay needs to be condoned subject to cost of Rs.3,000/-.

6. The amount of costs shall be deposited in the reference court within 8 weeks from today.

7. If the applicant fails to deposit the amount within 8 weeks, the application would stand dismissed automatically.

[PRITHVIRAJ K. CHAVAN, J.]