

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.624 OF 2015

Mrs.Jagtradevi N.Budha & Ors.]... Appellants.

Vs.

Union of India,]
through General Manager,]
Western Railway, Mumbai]... Respondents.

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Mr.GJ Mohan Rao, Advocate for the appellant.

Mr.T.J. Pandian, Advocate for the respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 23RD DECEMBER, 2021.

PC.:

1. Heard Mr.Rao, the learned Counsel for the appellant and Mr.Pandian, learned Counsel for respondent-Union of India.

2. Learned Member, Technical, by impugned order rejected the application seeking condonation of delay of 7 months 15 days mainly on the ground that, the address of the applicants is shown at native place Nandgala, Tahasil -Wada No.9, Toleje, District-Majlsengadham, Nepal. This can not be a reason for refusing condonation of delay. Mr.Rao, the learned Advocate for the appellants would argue that since the deceased and the appellants had furnished their native address who are infact

residing at Sangeeta Complex, building No.10, Jasal Park, Bhayander (East), Dist-Thane, would not necessarily mean that the address is wrong. As such, the impugned order needs to be set aside as it is *sans* any reasons. The appeal is restored to file of the Tribunal. Delay stands condoned. The Tribunal shall decide the dispose of original application no.57 of 2014 as expeditiously as possible by giving an opportunity to respective parties.

(PRITHVIRAJ K.CHAVAN J.)

