

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

Civil Application (CAF) No.68 of 2021
IN
First Appeal Stamp No.7022 of 2020

Smt. Mina w/o Punamchand Shahare **Vs.** Union of India through the General Manager, South
East Central Railway, Bilaspur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.G. Bagul, Advocate for the Appellant.
Shri Z.S. Shekhani, Advocate h/f Shri R.G. Agrawal, Advocate for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 14th JANUARY, 2021.

By this application, the applicant has sought to condone the delay of 2436 days in filing the appeal against the judgment and order dated 23/08/2013 passed by the Railway Claims Tribunal, Nagpur in Claim Petition No.OA(IIu)/NGP/2011/335.

The applicant is the widow of Punamchand Shahare who died in a train accident. The applicant is a labourer. She states that her counsel had not disclosed that her claim was dismissed. She learnt about the judgment only when she personally visited the Tribunal and thereafter she contacted a new counsel, who advised her to file the appeal.

Though, the delay is inordinate, the same is not intentional. As it is evident from the records, the applicant is a labourer and belongs to the weaker section of the society. She had entrusted the brief to her lawyer, who was expected to inform her the outcome of the claim. She has not been negligent or callous. The delay has occasioned mainly due to inaction on the part of her lawyer. The Apex Court has time and again

held that the expression “sufficient cause” should receive liberal construction – as to sub-serve the ends of justice.

The explanation offered by the applicant constitutes “sufficient cause”. Hence, the application is allowed, the delay is condoned.

The delay condonation application stands disposed of.

Appeal is ordered to be registered after removing office objections, if any.

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Shri Z.S. Shekhani, learned counsel h/f Shri R.G. Agrawal, learned counsel waives service of notice on behalf of the respondent.

Call for record and proceedings.

The matter be listed for admission after **two weeks**.

(SMT. ANUJA PRABHUDESSAI, J.)