

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

CAF NO.1460/2021 IN FA ST.NO.12301/2020

Yaseen s/o Gafoor Gawali

..VS..

Union of India, thr.General Manager, Central Railway, CST Mumbai

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

Court's or Judge's Order

.....
Shri R.G.Bagul, Counsel for the applicant.
Shri N.PLambat, Counsel for the non-applicant.

CORAM : VM.DESHPANDE, J.
DATED : NOVEMBER 16, 2021

1. This is an application for condonation of delay in preferring an appeal challenging judgment and order dated 4.3.2016 passed by learned Member, Railway Claims Tribunal, Nagpur whereby learned Member of the Tribunal disallowed claim filed on behalf of the applicant and dismissed his case. The appeal is filed in the year 2020. There is delay of 1646 days.

2. For considering the application for condonation of delay, what is required to be seen is, whether the applicant, who intends to file appeal, was unable to move within stipulated time. Duration never impresses the Court.

3. I have heard learned counsel Shri R.G.Bagul for the applicant and learned counsel Shri N.PLambat for the non-applicant. Also, perused reply filed by the non-applicant.

4. After having gone through contents of the application for condonation of delay and the reply on behalf of the non-applicant, I am of view that the applicant has made out a case for condonation of delay.

5. It is to be observed here that as per the applicant's claim before the Tribunal, he was required to file claim petition because he lost his both legs in a railway accident.

6. The civil application for condonation of delay is allowed and disposed of. The delay stands condoned. Registry is directed to register the appeal.

JUDGE

!! BRW !!