

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

CIVIL APPLICATION (CAF) NO. 106/2021 IN
FIRST APPEAL (ST) NO. 12723/2020

Rubina w/o Mainoddin Shaikh & ors.

-VERSUS-
Union of India

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 applicant.
Shri R. G. Agrawal, Advocate for sole respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 20.01. 2021.

By this application, the applicant has sought for condonation of delay of 1272 days in challenging the judgment dated 20.03.2017 in Claim Application No. OA(Ilu)NGP/2012/0132.

2. Learned counsel for the respondent has opposed the application on the ground that no sufficient ground has been made out.

2

3. I have perused the records and considered the submission advanced by the learned counsel for the respective parties.

4. The reasons stated in the application is that Mainoddin had expired in railway accident. The applicants who are the dependents of Mainoddin have stated that the counsel who was representing them had not informed them about dismissal of the claim that they had learnt about the same only on 25.03.2017. The applicants have further stated that they were unable to file the appeal within the prescribed time due to financial constraints. The applicants belong to weaker section of the society. Considering their financial condition, it would be in the interest of justice to condone the delay. Moreover, the delay is not deliberate and was not caused due to the negligence on part of the applicant. Hence, application is allowed.

5. Delay is condoned. Application stands disposed of.

FIRST APPEAL (ST) NO. 12723/2020

6. Heard.

7. **Admit.**

8. Learned counsel for respondent waives service of notice.

(SMT. ANUJA PRABHUDESSAI, J.)

Gohane.