

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**944 CIVIL APPLICATION NO.11586 OF 2018
IN FAST/20101/2018**

**JOITA RAM KESA RAM AND ANR
VERSUS
UNION OF INDIA**

Mr.Vishnu B. Madan, Advocate for the applicants.

Mr.M.N. Nawandar, Standing Counsel for the respondent.

**CORAM : ANIL L. PANSARE, J.
DATED : 08.06.2022**

PC :-

01. By present application the applicant is seeking to condone delay of 177 days caused in filing First Appeal, arising out of judgment and order dated 9th October, 2017, passed by learned Railway Claims Tribunal, Nagpur. Learned Advocate for the applicants submits that the delay is trivial and has occurred because of lack of guidance to the applicants by the Advocate who appeared before the Claims Tribunal. He further submits that the applicant did not get documents for some time and ultimately the documents were handed over to the applicant in the first week of January, 2018.

02. Learned Standing Counsel for the respondent would object on the ground that the delay is not properly explained.

03. The applicants have relied upon judgments of the Supreme Court and High Court on the point of condonation of delay. The law is well settled that such applications should be liberally considered. Further, it will be in the interest of parties to get the matter adjudicated on merit. The delay of 177 days cannot be said to inordinate delay, keeping in mind the explanation put-forth by the applicants. In view thereof, the application is allowed. The delay of 177 days in filing First Appeal stands condoned.

[ANIL L. PANSARE,J.]