

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

25 CIVIL APPLICATION NO.3643 OF 2021  
IN FAST/34392/2019

JYOTI VIJAYKUMAR JAJU AND ORS  
VERSUS  
UNION OF INDIA

...  
Advocate for Applicants : Mr. Bhokarika Madhav M  
Advocate for Respondents : Mr. M. N. Navandar  
...

**CORAM : ANIL L. PANSARE, J.**  
**DATE : 4<sup>th</sup> July, 2022**

**PC.:-**

This is an application for condonation of delay of 552 days in preferring the appeal against the judgment and award passed by the Railway Claims Tribunal, Mumbai Bench in Claim Application No. OA (Ilu) /MCC/ 2011/0598 decided on 03.01.2018.

2. Learned counsel for the respondent opposes the application and submits that the delay has not been properly explained.

3. Learned counsel for the applicants submits that the delay has been caused because the applicants claim that they belong to a poor family and have no source of sufficient income. They could not contact advocate in time for taking legal advice. It took some time to obtain certified copies of

judgment and depositions. Untimely death of the earning family member resulted into pitiable situation for the claimants. The applicants were unaware of the further remedy in the form of appeal. When they came to know of the legal remedy, they took legal assistance and filed the appeal. The delay may be condoned. It is a well settled law that the courts should be liberal in condoning the delay.

4. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeal. Accordingly, for the reasons assigned in the application for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

- i) The delay is condoned.
- ii) Civil Application is disposed of accordingly.
- iii) First Appeal Stamp Number be registered. Issue notice to the respondent, returnable after four weeks. Learned counsel Shri Navandar waives service for respondent.
- iv) Call R & P.

[ANIL L. PANSARE, J.]