

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1835 OF 2021
IN FIRST APPEAL (ST) NO. 13401 OF 2021**

Mohd. Yunus Pachumiya Ansari
And Anr.

....Applicants

Versus

Union of India Thr. General Manager,
Central Railway, CSMT, Mumbai

....Respondent

Vasant Ninaji More Advocate for the Applicant
T. J. Pandian Advocate for the Respondent

CORAM : S. G. DIGE, J.

DATE : 9th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent. Learned counsel for the applicant submits that applicant's son died in railway accident. The applicants had filed claim petition before Railway Claims Tribunal for compensation. The learned Tribunal dismissed the application of applicant. Applicant wants to challenge the said order.
2. The applicant could not file the appeal within stipulated time as applicants are poor persons and they are illiterate and they

could not contact advocate and there is delay of one year and 156 days for filing the appeal. Hence, it be condoned.

3. Learned counsel for the respondent strongly objected to condone the delay on the ground that the reasons given by applicants for condoning the delay are not proper. No proper explanation for delay is given. Hence, requested to dismiss the application.

4. I have heard both learned counsels. The son of the applicant has died in accident. The claim petition was filed for getting compensation which is dismissed by the Railway Tribunal. Applicants are illiterate, they are poor persons. Though it is not sufficient ground to condone the delay but to give opportunity to applicants to put their side, in the interest of justice, I pass following order.

ORDER

1. Application is allowed.
2. The delay caused for filing appeal is condoned.
3. In case the applicants succeeds in the appeal, he shall not claim interest for delay period.
4. Appeal be registered as per rule.

(S. G. DIGE, J.)