

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

**CIVIL APPLICATION NO. 4531 OF 2018
IN
FIRST APPEAL (ST) NO. 12452 OF 2018**

Vijaynarayan Sitaram Yadav and Anr.	.. Applicants/ Appellants
Versus	
Union of India, thr. General Manager Western Railway	.. Respondent

Ms. Anita Gavkar i/b Vaneet Khosla for the Applicants/
Appellants.

CORAM: ABHAY AHUJA, JJ.

DATE : 17th JUNE 2022

P.C. :-

1. By this Application, the Applicant/Appellant, is seeking condonation of delay of 106 days in preferring Appeal against Judgment and Order dated 31st May 2017 passed by Railway Claims Tribunal, Mumbai in Original Application No. 729 of 2011.

2. It is submitted on behalf of the Applicant that copy of the impugned Judgment and Order dated 31st May 2017 was ready in the office on 3rd October 2017. However, the same was issued

to the Advocate for the Appellant on 12th February 2018. That the Appeal should have been filed on or before 1st January 2019 within 90 days from receiving copy of the order, but the same has been filed after a delay of about 106 days.

3. Learned Counsel submits that the Applicants/Appellants are parents of the deceased and come from poor strata of society. It is submitted by learned Counsel for the Applicants that the Applicants have a good case on merits.

4. None appears for the Respondents though served. Learned Counsel for the Applicants/ Appellants undertakes to file affidavit of service.

5. Having perused the Application for condonation of delay and having heard learned Counsel for the applicants, this Court is of the view that sufficient cause is shown for condonoation of 106 days. Accordingly delay of 106 days is condoned.

6. The Application stands disposed of.

7. List the Appeal for hearing on 15th July 2022.

(ABHAY AHUJA, J.)