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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4215 OF 2021
IN
FIRST APPEAL (ST) NO. 23458 OF 2021

Mr. Akhilesh @ Govind Shyamraj Yadav(Injured)Applicant/Appellant

VS

Union of India through the General Manager,
MumbaiRespondents

Mr Vasant N More, Advocate for the Applicant/Appellant.

Mr Dheer Sampat i/b. Mr T.J.Pandian, Advocate for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 21st October, 2022.

P.C.

Interim Application No. 4215 of 2021

1. This Application is filed for condonation of delay of 1 year, 10 months and 21 days in filing the First Appeal. First Appeal is filed by the Original Claimant for challenging the dismissal of her Application O.A. No. (IIU)/MCC/0796/2013 by the Railway Claims Tribunal at Mumbai.

2. Mr Sampat appearing for the Respondent waives service of this Application. Considering the reasons set out in the Application, the Application is allowed in terms of prayer clause(a) which reads thus

(a) That the delay of 1 year, 10 months and 21 days in filing the present First Appeal challenging the order passed by the learned Railway Claims Tribunal Mumbai Bench in (IIU)/MCC/0796/2013 may be condoned in the interest of justice.

First Appeal (St) No. 23458 of 2021

1. Considering the facts of the case and the nature of the claim it will be necessary in the interest of justice to decide the First Appeal finally at the admission stage. Both learned counsel agree that the Appeal can be disposed of finally at admission stage on the basis of private paper book.
2. The learned Advocate for the Appellant states that he will file the private paper book containing the entire record of the tribunal.
3. Liberty is granted to the Appellant to file private paper book within a period of four weeks from today. The Appellant to serve a copy of the First Appeal compilation and private paper book on the learned Advocate for Respondent.
4. Place the First Appeal for directions on 25th November 2022.

[GAURI GODSE, J.]