

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 646 / 2015

M. Vithalrao Hanamanthraya Hosgouder and Ors. ... **Appellants**

Versus

The Union of India Through Represented by
the General Manager ... **Respondents**

Mr. Mohan Rao, Advocate for the Appellants.

Mr. T.J. Pandian, Advocate for the Respondents.

CORAM : SANDEEP K. SHINDE, J.

DATE : 9th MARCH, 2022.

P.C.

1. Shantabai (deceased) - Wife of Applicant No.1 and Mother of Applicant No.2 and 3 met with an accident on 18th April, 2008, while travelling by passenger train from Gangpur to Solapur. Applicants instituted a Claim under Section 124A of the Railways Act alongwith an Application, seeking condonation of 3-years 7-months and 15-days delay, occurred in preferring the Claim Application. The learned Member rejected the said application on 13th October, 2014 on the

ground that, lack of knowledge, poverty, mental shock and depression suffered by the Applicants, would not constitute a “sufficient cause”, to condone delay.

2. Having regard to peculiar facts of the case, it would in the interest of justice to condone the delay; subject to condition that, in case the Claim is allowed, the interest shall be awarded only from the date, on which Claim Application is registered, and not from the date of accident. This order shall not be construed as precedent. In that view of the matter, impugned order is quashed and set aside. The appeal is allowed and disposed of.

(SANDEEP K. SHINDE, J.)

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