

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4241 OF 2019
IN
REJECTED CASE NO. 2533 OF 2017**

Mr. Ramesh Vishwamber Sharam and Anr Applicants

V/s.

Union of India through General Manager,
Central Railway.Respondent

None for the Applicants

CORAM : GAURI GODSE, J.

DATE : 12th September, 2022.

P.C.

1. None appears for the Applicants. This Application is filed for condonation of delay in filing the Application and for setting aside the order dated 14th August 2017 passed by Registrar (Judicial – II). By the said order, conditional time was granted to remove office objections. Objections were not removed. Hence, the Appeal stood dismissed and the same was numbered as Rejected Case No. 2533 of 2017. Office remark shows that papers of First

Appeal Stamp No. 4781 of 2017 (Rejected Case No. 2533 of 2017) are destroyed by the record department.

2. Today only the Application is placed before me. Perusal of the Application shows that First Appeal was filed by the claimant for challenging the Judgment and Order dated 20th October 2016 passed by Railway Claims Tribunal under section 23 of the Railway Claims Tribunal Act, 1987.

3. Considering the reasons given in the Application, following order is passed;

(i) Application is allowed in terms of prayer clause (a) and (b) which read thus:

“(a) That this Hon’ble High court be pleased to condone the delay of 828 days in filing the Application.

(b) Be pleased to set aside the order dated 14.08.2017 passed by the Ld Registrar and further be pleased to restore the above first appeal along with civil application filed by the Applicants for the reasons and circumstances.”

(ii) Applicants are directed to furnish copy of First Appeal record as well as fresh certified copies of impugned Judgment and Order within period of 6 weeks from today.

(iii) In the event, the directions as per clause (ii) are complied with, Registry is

directed to verify the record and reconstruct the First Appeal Stamp No. 4781 of 2017.

(iv) Applicants shall remove all office objections, raised by the Registry after reconstruction of First Appeal record.

4. Application is allowed in the above terms.

[GAURI GODSE, J.]