

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO. 1451 OF 2021

IN

FIRST APPEAL ST. NO. 5457 OF 2021

[Sunita wd/o Ravindra Mahajan and others .vs. The Union of India, General Manager Central
Railway, CSMT Mumbai]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Sumesha Chaudhari, Advocate for applicants-appellants,
Ms. Neerja Chaubey, Advocate for respondent.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 05/08/2022.

Present application is filed by the applicants-appellants for condonation of delay in filing the First Appeal. There is a delay of 719 days.

2. The contention of the applicants is that after the decision of the Tribunal, the brief is handed over to the Advocate, but no appeal was filed. When the applicants asked number of first appeal, it was informed that appeal was not filed. First Appeal, however, filed in the first week of March. For the above reasons, the delay has been caused.

3. The learned counsel for the respondent vehemently opposed the application and relied on (2011) 2 Gauhati Law Reports 832 (Union of India .vs.

Jasiruddin Talukdar) in support of her contention that Rule 3-A does not provide any power to condone the delay in preferring the appeal but prescribes the procedure where an appeal is presented beyond the period of limitation.

4. Heard the learned counsel for both the sides.

5. **The Railway Accidents and Untoward Incidents (Compensation) Rules, 1990** is the beneficial legislation and, therefore, the delay has to be liberally condoned.

6. For the reasons stated in the application in para 5 of the application, I am satisfied that there is no intentional delay. The delay is hereby condoned. Registry is directed to register the First Appeal.

7. Application is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]

Gulande