

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4494 OF 2018

IN

CIVIL APPLICATION NO. 1506 OF 2010

IN

FIRST APPEAL (ST) NO. 9929 OF 2010

Mohammed Abdul Shaikh & Anr.

...Applicants

Versus

Union of India through the Chairman, Central
Railway, Mumbai

...Respondent

Mr. Kuldip Singh for Applicant.

Mr. T.J. Pandian a/w Adv. T. C. Subramanian, for Respondent.

CORAM : M.M. SATHAYE, J.

DATED : 28th NOVEMBER, 2023

P.C. :

1. This is an Application for Restoration of above First Appeal, which was dismissed pursuant to Conditional Order dated 01.03.2011. Apparently there is delay of 3 years and 294 days in filing this Application. Though Mr. Pandian, appearing for Respondent has opposed the Application, no reply is filed till date.

2. The matter is arising out of compensation payable to Applicants under Section 16 of the Railways Claims Tribunal Act, 1987 for death of deceased Fatima Mohamed Shaikh. The Applicants claim to be dependents of the deceased. The Application / Appeal was dismissed due to technical reason of not filing affidavit of service

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in stipulated time.

3. Considering the aforesaid facts and circumstances and also considering the averments in the Civil Application, sufficient cause is made out.

4. Hence the Application is allowed in terms of prayer clause [a-1] and [a]. Delay is condoned. The above First Appeal is restored to the file.

5. Place the above First Appeal under caption of final hearing on 06.12.2023.

6. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)