

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

CIVIL APPLICATION (F) NO.1657 OF 2021

IN

FIRST APPEAL (ST) NO.3110 OF 2021

[Pandharinath S/o Jayram Bari and Anr. ..V/s.. The Union of India]

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

Court's or Judge's order

Mr M. Chaudhari, Advocate for Applicants/Appellants.
Mr N. P. Lambat, Advocate for Respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. This is an application for condonation of delay of 594 days, which is caused in preferring the appeal against the judgment and award passed by the Railway Claims Tribunal, Nagpur (for short, "the Tribunal").

2. As per the contention of the applicants/appellants, they have filed the claim application before the Tribunal for grant of compensation, which was rejected on 29.03.2019, however, the claimants were not aware of the said. Thereafter, there was a Covid Pandemic Situation, and therefore, the applicants could not approach to the Court for obtaining the certified copy. Thus, as per the contention of the applicants, there is just and reasonable cause for condonation of delay. The delay is not intentional one, and hence, delay be condoned.

3. Said application is strongly opposed by Mr Lambat, learned Advocate for respondent on the ground that the delay is not properly explained.

4. I have heard learned Advocate appearing for the parties and perused the application.

5. Applicants have filed claim application for grant of compensation on account of accidental death of Ravindra i.e. the son of the claimants. As per the contention of the applicants, they are illiterate persons not aware about the legal provisions. Moreover, they were not aware about the award by the Tribunal, and therefore, the delay is caused.

6. Considering the reasons mentioned in the application and considering the fact that the compensation is claimed under the beneficial legislation, which is denied to them. They cannot be deprived from getting the compensation on account of technical reason. The reasons mentioned in the application appear to be just and reasonable one.

7. In view of that, delay of 594 days is condoned. Appeal be registered and numbered accordingly.

8. Civil Application No.1657 of 2021 is disposed of.

FIRST APPEAL (ST) NO.3110 OF 2021.

9. **Admit.**

10. Call for Record and Proceedings.

11. Appeal be placed before the Court for final hearing after receipt of record and proceedings.

JUDGE

TAMBE