

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

CIVIL APPLICATION (CAF) NO.533 OF 2023
IN
FIRST APPEAL STAMP NO.3427 OF 2023

Pulabai wd/o Kailash Jadhav and others

Vs.

Union of India, through 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 appellants/applicants.
Mrs. Neerja G. Chaubey, Advocate for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/03/2023

1. This is an application by the applicants for condonation of delay which is caused in preferring the appeal against the Judgment and Award passed by the Railway Claims Tribunal, Nagpur.

2. As per the contention of the applicants, the alleged untoward incident occurred on 01.08.2015. The appeal is decided on 26.04.2017. However, learned Tribunal had not considered that claimants are entitled to receive the compensation of Rs.8,00,000/-, as per the notification issued on 22.12.2016 came into effect from 01.01.2017. Therefore, the appellant has filed this appeal for enhancement of the compensation. However, delay of 1311 days is caused in preferring the appeal.

3. As per the contention of the applicants that in the meanwhile they have filed the review application which was not considered by the Railway Tribunal and therefore delay is caused.

4. Said application is opposed by the learned Advocate Mrs. Chaubey for the respondent No.1 on the ground that delay is not properly explained.

5. In view of the reasons mentioned in the application and considering that the applicants approached to the Railway Claims Tribunal by filing review application for enhancement of the compensation which was not considered, and therefore this appeal is filed. The reasons mentioned in the application appears to be just and reasonable.

6. In view of that, delay is condoned subject to the waiver of the interest for the delayed period, if the claimants succeeds in enhancement of the compensation.

7. Civil Application is disposed of.

8. Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned Advocate Mrs. Chaubey, waives notice for respondent.

4. Call for record and proceedings.

5. Place the matter for final hearing at the admission stage after record and proceedings is received.

6. Paper book is dispensed with.

(URMILA JOSHI-PHALKE, J.)

Sarkate