

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

CIVIL APPLICATION (CAF) NO.1449 OF 2021 IN
FIRST APPEAL STAMP NO.5563/2021

Gautam S/o Prabhakar Bagade

Vs.

The Union of India, General Manager, Central Railway, CSMT, Mumbai

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

Court's or Judge's orders

Ms Sumesha Chaudhari, Advocate for appellant.
Ms Neerja Chaubey, Advocate for respondent.

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

DATE : 14/06/2023

. By way of present application, the applicant is seeking condonation of delay of 761 days caused in filing first appeal against the judgment and order passed by the learned Railway Claims Tribunal, Nagpur Bench, Nagpur in Claim Application No.OA(IIU)/NGP/47/2017 dated 30.11.2018.

2. Heard learned counsel for the applicant and learned counsel for the non-applicant. Perused the application.

3. Learned counsel for the applicant submits that the applicant is illiterate person and was unaware of procedure to avail legal remedy for appeal. She submits that the applicant is resident of Nashik therefore there was

difficulty in communication. She further submits that delay was unintentional.

4. Though learned counsel for the non-applicant has opposed the application, but delay being unintentional and reasons are justifiable, hence, the delay of 761 days is hereby condoned.

5. The application is allowed and disposed of.

6. Registry is directed to register the First Appeal.

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6. Heard.

7. Issue notice to the respondent.

8. Ms Neerja Chaubey, learned counsel waives notice on behalf of respondent.

9. Call for record and proceedings.

10. List the matter for admission on 28.06.2023.

(SMT. M.S. JAWALKAR, J.)