

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

**CIVIL APPLICATION NO.1682 OF 2021 IN
FIRST APPEAL (ST.) NO.7034 OF 2020**

(Smt. Hemlata wd/o Hiwarlal Katre and anr. Vs. Union of India)

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

Court's or Judge's Order

Ms H. Dhande, Advocate h/f Shri S.B. Dhande, Advocate for the appellants.
Ms I.P. Khisti, Advocate h/f Ms A.S. Athalye, Advocate for the respondent.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 30, 2023.

Heard.

2. By this application, the appellants/original claimants are seeking condonation of delay which is caused in filing the appeal against the judgment and award passed by the Railway Claims Tribunal, Nagpur.

3. As per the contention of the appellants, their application for compensation was dismissed on 27/11/2019 however, applicant No.1 is the widow and has no source of income, and therefore, she could not file the appeal as she was unable to incur the expenses for the litigation.

4. The delay caused is for justifiable reason and hence delay be condoned.

5. Ms I.P. Khisti, learned Counsel for the respondent submitted that the reasons mentioned in the application are not justifiable one and the delay is not properly explained, hence the application deserves to be rejected.

6. Heard both the sides and perused the application.

7. The original claimants i.e. the appellants had filed an application for compensation before the Railway Claims Tribunal which was dismissed by the Railway Claims Tribunal on 27/11/2019.

8. Admittedly, the appellant No.1 is the widow and appellant No.2 is the son. As per the contention of the appellants that after the death of the deceased they have no source of income and they could not bear the litigation expenses, therefore, they have not filed the appeal within time. The reasons mentioned in the application appears to be reasonable and justifiable one.

9. In view of the reasons mentioned in the application, delay of 144 days is condoned on waiver of the interest for the delayed period, if the appeal is allowed in future.

10. Civil application disposed of accordingly.

FIRST APPEAL (ST.) NO.7034 OF 2020

Heard.

2. **ADMIT.**

3. Call for R. and P.

4. Paper book is dispensed with.

5. Stand over to four weeks for final hearing.

(URMILA JOSHI-PHALKE, J.)