

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

CIVIL APPLICATION (CAF) NO.1156 OF 2023
IN
FIRST APPEAL STAMP NO.7703 OF 2023

Bhagwan s/o Ghanshyam Bawala and another
Vs.

Union of India, Through the General Manager, Central Railway, CST Mumbai

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

Court's or Judge's orders

Mr. R. G. Bagul, Advocate for appellants.
Ms. Neerja G. Chaubey, Advocate for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/04/2023

1. Present application is preferred for condonation of delay of 131 days which is caused preferring the appeal.

2. As per the contention of the appellants, they are the legal heirs of the deceased and coming from poor strata of the society. They are doing the labour work and they are not aware about the legal intricacies, therefore, they could not approach to their counsel to file the appeal. Moreover, they have lost their bread earner in the untoward incident and, therefore, they were facing financial crisis, therefore, they could not arrange the amount for paying the Court fee, therefore, delay is caused. The delay is for sufficient and satisfactory reason and hence, delay be condoned.

3. Learned Advocate Ms. Neerja Chaubey waives notice for respondent and raised strong objection

on the ground that delay is not properly explained.

4. Heard both the sides. Considering that claimants have claimed the compensation under the beneficial legislation of the claim of the claimant rejected by the Railway Claims Tribunal. It further appears that the applicants belonging to the poor family and they could not arrange the amount to pay the Court fee stamp, therefore, delay of 131 days is caused. Considering the compensation is claimed under the provisions of beneficial legislation and, therefore, opportunity is to be granted to the claimants to claim the compensation and to do the substantial justice delay deserves to be condoned. In view of that Civil Application is allowed. Delay of 131 days is condoned.

5. Civil application is disposed of.

6. Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned Advocate Ms. Neerja Chaubey waives notice for respondent.

4. Call for record and proceedings.

5. Appeal be placed after receipt of the record and proceedings, after Summer Vacation.

(URMILA JOSHI-PHALKE, J.)

Sarkate