

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

CAF NO.2041/2022 AND FA ST.NO.7242/2021

Shobha wd/o Jagannath Nagare

..VS..

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

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

Court's or Judge's Order

.....

Ms Sumesha Chaudhari, Counsel for Applicant.

Ms Neerja Chaubey, Counsel for the Non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/01/2023

1. This is an application for condonation of delay in preferring the first appeal. The delay is of 54 days. The application is preferred mother/claimant of deceased.
2. As per contention of the applicant, the applicant is the mother of the deceased. As the applicant suffered from financial crisis, she could not file the instant application.
3. Learned counsel Ms Neerja Chaubey for the non-applicant raises objection to condone the delay on the ground that the delay is deliberate one.
4. Considering that the claimant is dependent of the deceased and in need of financial assistance, the appeal was not filed.
5. It is a well settled law that while considering applications for condonation of delay, liberal and pragmatic views are to be taken and not pragmatic.
6. For reasons stated in the application, the application is **allowed**. The delay stands condoned.
7. Office to register the appeal.
8. The record and proceedings be called for.
9. Learned counsel Ms Neerja Chaubey waives service for the non-applicant.
10. The application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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