

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

CAF NO.1194/2022 AND FA ST.NO.7351/2021

Sunanda wd/o Arun Dhake and ors

..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 Applicants.

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 492 days. The application is preferred by original claimants.

2. As per contention of applicants, applicants are wife and married daughters and son of deceased. During the pendency of the claim application before learned Judge below, daughters got married. The applicants due to financial crisis could not file the instant application. The widow suffered slip disk problem and doctor advised her rest.

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 claimants are dependents of the deceased and in need of financial assistance as well as the widow suffered suffered ill-health, 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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