

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

CIVIL APPLICATION NO.3372 OF 2019

IN

FIRST APPEAL (ST.) NO.10838 OF 2019

(Heena d/o Dhyaneshwar Madankar 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

Shri K.P. Mirache, Advocate for the appellant.
Ms A. Agrawal, Advocate h/f Ms A.S. Athalye, Advocate for the respondent.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 11, 2023.

Heard.

2. Present application is for condonation of delay which is caused in preferring the appeal against the judgment and award passed by the Railway Claims Tribunal.

3. As per the contention of the appellant, she had sustained the injuries on 22/10/2013 in an untoward incident when she was travelling by train.

4. Due to the accidental injuries, her left leg above knee was amputated and she was under the treatment. However, the Railway Claims Tribunal had not considered that she had sustained the injuries in an untoward incident and dismissed the claim.

5. Being aggrieved with the same, she had filed the present appeal however, delay of 452 days is caused in preferring the appeal.

6. It is the contention of the appellant that as she was suffering from 85% of permanent disability and huge amount is spent by her on her treatment due to which she could not arrange the amount for court fee stamp, and therefore, delay is caused.

7. Said application is strongly opposed by the learned Counsel for the appellant on the ground that the delay is not properly explained.

8. Heard both the sides. Perused the application.

9. Considering the reasons mentioned in the application that the left leg of the injured was amputated from the above knee and she had incurred the huge expenses, the reasons mentioned in the application appears to be just and reasonable one.

10. Considering the appellant has claimed the compensation under the beneficial legislation, opportunity is granted to her to do the substantial justice.

11. In view of that delay of 452 days is condoned.

12. Civil application is disposed of.

FIRST APPEAL (ST.) NO.10838 OF 2019

Heard.

2. Appeal be registered.

3. Call for R. & P

4. Place the matter for final hearing after receipt of R. & P