

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

CIVIL APPLICATION (CAF) NO. 3575/2019 IN
FIRST APPEAL STAMP NO. 11719/2019

Mirabai Wd/O Harichand Dholwar And Others Vs Union Of India Through General Manager, South East Central Railway, Bilaspur

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

Court's or Judge's Order

Mr Kunal Mirache, Advocate for the appellants.

Ms Agrawal Advocate h/f Ms Athalye, Advocate for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/02/2023.

1. By this application, the appellants are seeking condonation of delay of 19 days which is caused in preferring the appeal against the judgment and award passed by the Railway Claims Tribunal, Nagpur .
2. Ms Agrawal, learned Advocate h/f Ms Athalye for the respondent waives service of notice on behalf of respondent.
3. As per the contention of the appellants, the appellant No.2-Rajendra who is son of the deceased was regularly attending the matter before the Railway Claims Tribunal, Nagpur but he could not contact with his advocate immediately after the judgment and award passed by the Railway Claims Tribunal, due to the sickness of his mother-appellant no.1.
4. It is further contended that the father of the appellant No.2 and husband of the appellant No.1 died in untoward incident. They have lost their earning hand and the appellant

No. 2 was not well during the relevant period. Therefore, appellant No.2 could not approach to his counsel and to file the appeal. Therefore, delay of 19 days is caused.

5. The said application is strongly opposed by the respondent, on the ground that the delay is not properly explained. Hence, the application is deserved to be rejected.

6. Heard both the sides. Perused the application.

7. The reasons mentioned in the application is that, due to the sickness of the appellant Nos. 1 and 2 could not approach to the counsel to prefer the appeal, appears to be just and reasonable one.

8. Moreover, the appellant have claimed the compensation under the provisions of beneficial legislation and therefore, they should be permitted to litigate their cause on merits.

9. In view of that, delay of 19 days in preferring the first appeal is condoned.

Civil application is disposed of.

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1. Appeal be registered.
2. Call for record and proceedings.
3. Private paper-book is dispensed with.
4. Stand over after three weeks for final hearing.

JUDGE