

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

**CIVIL APPLICATION NO.2510 OF 2022 IN
FIRST APPEAL (ST.) NO.13500 OF 2022**

(Mr. Jugganbabu s/o Shri Shankarlal and ors. 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

Ms S.G. Barbate, Advocate for the appellants.
Ms N. Choubey, Advocate for the respondent.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 07, 2023.

By this application, the appellants are seeking condonation of delay which is caused in filing the appeal against the judgment and award passed by the Railway Claims Tribunal.

2. As per the contention of the appellants they have filed the application for grant of compensation before the Railway Claims Tribunal.

3. All the appellants are the resident of Delhi and they could not approach to their counsel to file the appeal, and therefore, delay is caused.

4. Appellant No.1 has lost his wife and appellant Nos.2 to 4 are their children. They could not file the appeal by approaching their Counsel at Nagpur, and therefore, delay is caused.

5. Said application is opposed by Ms Choubey, learned Counsel for the respondent on the ground that the reasons mentioned in the application are not just and reasonable one hence, application deserves to be rejected.

6. Heard both the sides and perused the

application.

7. Appellant No.1 has lost his wife in an untoward incident. The reasons mentioned in the application is that she was the backbone of the family and due to her death it was difficult to manage day to day affairs, and therefore, they could not contact their Counsel.

8. In the background of the above circumstances and the principles laid down by the Hon'ble Apex Court that while considering the delay condonation application, liberal, pragmatic approach is appreciated and not the pedantic approach.

9. Considering the reasons mentioned in the application, admittedly they have lost their near and dear one and that may be the reason they could not contact their Counsel in time.

10. In view of that considering the just and reasonable cause mentioned in the application, delay is to be condoned.

11. Hence application is allowed and the delay is condoned.

12. Civil application is disposed of.

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Appeal be registered.

2. Call for record and proceedings.

3. Stand over to six weeks.