

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

CIVIL APPLICATION (CAF) NO.29/2023
IN FIRST APPEAL ST. 15223/2018

Lata Wd/o Tulsiram Kalbande

Vs

Union Of India, Thr. General Manager, South Central Railway, Secunderabad

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

Court's or Judge's Order

Mr R.G. Bagul, Advocate for the appellant/applicant.

Ms Nirja Choubey, Advocate for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/03/2023.

1. Heard.
2. Applicant/original claimant has preferred this application for condonation of delay on the ground that she lost her husband Tulshiram Gangaram Kalbande in an untoward incident that occurred on 16/11/2014. Thereafter, she applied for compensation as her husband died in an untoward incident. However, the Railway Claims Tribunal did not consider the evidence putforth by the applicant and her application for compensation is rejected. The applicant is from the poor family. Being labor work, she is a rustic villager and was not aware about the legal provision therefore, delay of 08 days is caused in preferring the appeal.

3. The said application is strongly opposed by the learned Advocate Ms Nirja Choubey for the respondent, on the ground that the delay is not properly explained.
4. Heard both the sides. Perused the application.
5. Appellant has preferred this application by which Railway Claim Tribunal rejected her application for compensation.
6. Applicant lost her husband in an untoward incident when he was travelling from Hingoli to Akola by train. As per her contention, the applicant being labour and a rustic villager. She was not aware about the legal provision and therefore, the delay is caused. Delay of only 8 days which is properly explained by the applicant.
7. In view of that delay of 8 days is condoned.

First Appeal St. No. 15223/2018

1. Appeal be registered.
2. Call for record and proceedings.
3. Private paper book is dispensed with.
4. Place the matter for final hearing after the record and proceedings is received.

JUDGE