



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1596 OF 2024
IN
FIRST APPEAL NO.1622 OF 2016

Meena Girish Baria

... Applicant.

In the matter between:

Pushpa Devji Boricha (since deceased),
Through LRs Meena Girish Baria

... Applicant.

Versus

Union of India

... Respondent.

Mr. Kunal Bhanage a/w. Mr. Vasim Siddiqui, the Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : August 06, 2024

P. C. :

1. Heard.
2. By this Interim Application, the Applicant seeks permission to carry out the amendment in the disposed of First Appeal, for bringing on record the legal heirs of the deceased-Appellant and for condonation of delay of 313 days caused in filing the present Application.
3. First Appeal came to be allowed by judgment dated 14th November, 2022 by which the claim application which was rejected by the Railway Tribunal was allowed and the Railway Tribunal

Administration was directed to pay the Appellant compensation of Rs.8,00,000/-. The Application before the Claims Tribunal as well as the Appeal before this Court was filed by Pushpa Devji Boricha, who is stated to be the mother of the present Applicant and is the original Appellant who expired on 24th July, 2022 and the same came to the knowledge of the learned counsel for the Appellant when he attempted to communicate with the Appellant informing her about the claim application being allowed.

4. Mr. Bhanage, submits that as the amount has already been deposited, the present Applicant, who is daughter of the deceased-Appellant is required to be brought on record, to enable her to make the necessary application before the Railway Tribunal for withdrawal of the compensation amount. In support of the Application, he has tendered the compilation of documents which is taken on record.

5. As per the family tree, the original-Appellant had two children one was the deceased-son, who expired in the unfortunate railway accident and the only surviving legal heir of the deceased-appellant is the daughter being the present Applicant. The compilation of documents also contains the extract of ration card, which original is also brought before this Court, which shows that the present Applicant-daughter, is daughter of original Appellant– Pushpa Devji Boricha. There is also pan card of the present Applicant which shows the name of her father as “Devji Ramji Boricha” and her married name

as “Meena Girish Baria”. There is also school leaving certificate which has been annexed showing the name as “Meena Devji Boricha”.

6. It is therefore evident from the documents which are produced on record that the present Applicant is the only surviving legal heir of the deceased-Appellant. Although the appeal has been disposed of, for the purpose of enabling the present Applicant to withdraw the amount of compensation deposited in the Tribunal the amendment is necessitated.

7. For the reasons stated in the Application, the delay of 313 days is condoned. The amendment in the cause-title is permitted to be carried out during the course of the day. Interim Application stands allowed.

[Sharmila U. Deshmukh, J.]