



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

CIVIL APPLICATION (CAF) NO.3649 OF 2024 IN
FIRST APPEAL ST. NO.21173 OF 2024

Rashtrapal S/o Vishnu Sarve and another .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.U. Fule, Advocate for appellants.
Ms Neerja Chaubey, Advocate for respondent.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 13/12/2024

1. Issue notice to the respondents.
2. Ms Chaubey, learned advocate waives service of notice for the respondent.
3. This is an application for condonation of delay 894 days caused for preferring the appeal against the judgment of the Railway Tribunal.
4. The learned advocate for the appellants submitted that, delay is not deliberately caused. Due to Covid-19 pandemic situation, the appellants could not contacted their advocate. The appellants are financially poor. They are not having knowledge of law, they were not properly guided.
5. Ms Chaubey, learned advocate for the respondent strongly objected the application and submitted that, there is no plausible explanation for condoning the delay. It is submitted that, if the application is allowed, it

would be against the provision of Section 5 of the Limitation Act, 1963. Delay is not day to day explained.

6. On perusal of application, the delay is not deliberately caused. Considering reasons stated in the application and the Covid-19 pandemic situation, the application is allowed in the interest of justice. The application is **allowed**.

7. Delay of 894 days is condoned subject to costs of Rs.2000/- deposited in the Vidarbha Lady Lawyers Association, Nagpur.

8. Application is **disposed**.

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1. Issue notice to the respondents.
2. Ms Chaubey, learned advocate waives service of notice for the respondent.
3. Call record and proceedings.
4. Filing of paper book is dispensed with subject to condition, to file statement of witnesses and provide its copy to other side.
5. Stand over after **three weeks**.

(SANJAY A. DESHMUKH, J.)