



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

**FIRST APPEAL NO. 794 OF 2024**

**APPELLANT :**

On R.A.

Original Claimant

Mankarna wd/o. Shankar Mali,  
(Daughter of Ramchandra Kakde)  
Aged about 47 years, Occ. Labour,  
R/o. C/o. Nav Durga Nagar,  
Anjangaon Road, Akot,  
Tah. Akot, District - Akola.

**V E R S U S**

**RESPONDENT :**

On R.A.

Original Respondent

Union of India,  
through the General Manager,  
South Central Railway,  
Secunderabad.

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Mrs. Priya A. Thakre, Advocate for appellant.

Shri C. J. Dhumne, Advocate for respondent-sole.  
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**CORAM:- SANJAY A. DESHMUKH, J.**

**DATED : 12/08/2024.**

**ORAL JUDGMENT :**

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
2. The appellant has prayed to condone the delay of 378 days caused for filing the claim application. Perused the Appeal Memo and the impugned order of the Railway Tribunal along with the application for condonation of delay.
3. Learned advocate for the appellant submitted that appellant is illiterate, divorcee and was living with her brother, who was unmarried and shocked by the incident of death. Therefore, the delay was caused. The applicant could not approach

the advocate to file claim application. He lastly submitted to take liberal approach and allow the appeal.

4. The learned advocate for the respondent has strongly objected to condone the delay. He submits that sufficient reasons are not mentioned in the claim application. Hence, the application is rightly rejected.

5. The reasons of the applicant are not accepted by the learned Railway Tribunal and held that sufficient cause for allowing the application is not given in the claim application.

6. The first and foremost ground to condone the delay is that the appellant's brother Motiram Ramchandra Kakde who died in the railway accident. She was shocked by the incident of death of Motiram Ramchandra Kakde. She is illiterate person. She could not approach the advocate for filing claim application within limitation period. It was also not considered by the Railway Tribunal as sufficient ground to condone delay.

7. It is well settled that delay has to be condoned in appropriate cases and in the interest of justice liberally. The High Court in the case of Nishant Vrs. Union of India, reported in (2022) 6 MhLJ 160 held that the delay has to be condoned with liberal approach.

8. The grounds mentioned in the application for condonation of delay are sufficient and probable. The delay is not caused intentionally. The strict proof is not necessary in such cases and Court has to consider the reasons and grounds of delay liberally as sufficient grounds to end the lis finally on merit. Considering the nature of the proceedings, the status of the claimant that she is poor, having no financial support and lack of legal knowledge as well as she suffered shock due to death of brother of the appellant, the application ought to have allowed by the learned Tribunal in the interest of justice. The findings of the learned Tribunal are not found legal and correct. The impugned order deserves to be set aside. The appeal deserves to be allowed to end lis finally on merit. Hence, the following order :-

**ORDER**

- i] The appeal is allowed. The impugned order is set aside. Delay caused for filing the claim application before the learned Railway Tribunal is condoned.
- ii] The accident took place on 06/10/2013. The notification for awarding interest is of 1<sup>st</sup> January, 2017. Therefore, the appellant will not be entitled for interest for delayed period of 378 days if her application for compensation is allowed.
- iii] Considering the old incident of death of brother of the appellant, it would be proper to direct the Railway

Claims Tribunal, Nagpur Bench, Nagpur to decide the claim application within six months from the receipt of copy of this Judgment. The appellant to produce copy of this Judgment before the Railway Tribunal forthwith.

iv] The appeal is disposed of accordingly.

**[SANJAY A. DESHMUKH, J.]**