

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8781 OF 2024

IN

FIRST APPEAL STAMP NO. 28543 OF 2022

Sitaram Shivram Chavan And Ors.

...Applicants/
Appellants.

Versus

The Union Of India, Thr. The General Manager,
Central-Railway, Mumbai

...Respondent

*Mr. Saurabh Desai i/by Adv. Apoorv Vijay Singh for the Applicants/Appellants.
None for the Respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : MAY 9, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 2 years 69 days caused in preferring the present Appeal.

2. Learned Counsel appearing for the Applicant submits that the proceedings arise out of dismissal of the claim Application by the Railway Claims Tribunal. He submits that the Judgment and order was passed on 26th April, 2019 and the Applicants were working as laborer in agricultural fields. He submits that the Applicants were dependent on the income of the deceased and therefore due to financial difficulties the Applicants were unable to prefer the appeal within the prescribed period of limitation. He would further submit that

subsequently due to covid pandemic the situation worsened and the Applicants were unable to contact their advocate or arrange for necessary funds causing delay.

3. Office noting indicates that the sole Respondent has been duly served. Today none appears for the Respondent.

4. Perusal of the Application would indicate that the Applicant No. 1, who has affirmed the Application, has affixed his thumb impression and therefore the contention that the Applicants may not be aware of the necessary procedure of preferring an Appeal cannot be doubted. The proceedings arise out of the Railway Claims Tribunal and it is specific case of the Applicants that the Applicants were dependent financially on the income from the deceased. In view of the sole earning member having expired, the pleadings that due to financial constraint, the Appeal could not be filed within time, is an acceptable explanation. It is well settled that each and every days of delay is not required to be explained and what is necessary in the sufficiency of explanation. The pleadings in the Application make out sufficient case for condoning the delay and hence the delay stands condoned.

5. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]