



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

12 FIRST APPEAL (ST) NO. 32783/2023

WITH

INTERIM APPLICATION NO. 9783/2024

IN

FIRST APPEAL (ST) NO. 32783/2023

MR. MALLIKAARJUN P. KHUNE & ANR.

..APPELLANTS

VS

THE UNION OF INDIA THR. THE
GENERAL MANAGER, MUMBAI

..RESPONDENT

Adv. Apoorv Vijay Singh for appellants.

Adv. Niranjana Shimpi a/w. Adv. Bhagyashri Waghmare for
respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 8 APRIL 2026.

P.C. :

INTERIM APPLICATION NO. 9783/2024 IN FIRST APPEAL (ST) NO.
32783/2023

1) This interim application has been filed by the original claimants seeking condonation of delay of five years and thirty-four days in filing the present first appeal.

2) Mr. Shimpi, learned counsel, who is on the panel of the Railways, is requested to appear in this proceeding.

3) Mr. Shimpi has strongly opposed this application on the ground that there are no *bonafide* reasons mentioned for which the delay should be condoned.

4) The Railway Claims Tribunal Act is a beneficial legislation. In paragraph nos. 3 and 4 of the interim application, it has been mentioned that the applicants are illiterate villagers and not aware about the procedure, law and rules of the land. They are doing odd jobs of labour which they get some time and some time not because it all depends on the availability of the job. Many a times they are jobless.

5) The interim application has been verified by the applicant nos.1 and 2. The applicant no.1 has signed the application in a vernacular language (Marathi). The applicant no.1 is son of the deceased and the applicant no.2 is the daughter of the deceased.

6) Mr. Shimpi submits that in case the Court is of the view that the delay should be condoned then the rights of the Railway of making a prayer that the period for which the delay has occurred that period should be waived.

7) I am not convinced with the submission made by Mr. Shimpi on this issue.

8) After hearing learned counsel appearing for both sides and after going through the contents of the interim application which is filed in the first appeal which challenges the judgment of the Railway Claims Tribunal, I am satisfied that a case is made out to allow the present interim application.

9) Interim Application is **allowed** in terms of prayer clause (a).

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10) This first appeal challenges the judgment dated 31/7/2018, passed by the Railway Claims Tribunal, Mumbai Bench, Mumbai.

11) Heard learned counsel for the parties.

12) Admit.

13) The appellants to file private paper-book within four weeks from today. A copy of the same to be served on other side.

14) R & P be sent by the trial Court to the High Court within four weeks from today.

15) Parties to file a compilation of documents, short synopsis along with their preposition of law and authorities relied upon by them within four weeks from today.

16) Place this first appeal on **17/6/2026**.

17) Matter to come up under the caption “**For Final Hearing**”.

(Rajesh S. Patil, J.)