

1224

RAILWAY CLAIMS TRIBUNAL

MUMBAI BENCH

OA(IIu)/MCC/278/2016

(Shri. Mohd. Aziz Rashid Shaikh & Ors V/s GM. C. Rly.)

ORDER

14.02.2024

Appearances:

Mr. D V Sadvilkar

- Counsel for the Applicant

Ms. Rupali Nayak

- Counsel for the Respondent

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ORAL :-

Perusal of the record shows that issues in this case were framed on 15-07-2016 and thereafter the matter was posted for Applicant's evidence. The matter was listed on 14-07-2017, 23-05-2023, 23-06-2023, 09-08-2023, 21-09-2023, 08-11-2023 and 14-12-2023 so as to enable the Applicant to file evidence by way of Affidavit. On all these dates, Applicant did not appear in the Court. When the matter was listed on 14-12-2023, both the Counsel for the Applicant as well as the Applicant were absent but in the interest of justice the Court has granted last and final opportunity to Applicants to lead evidence. If the Counsel for Applicant fails to lead Applicant Evidence on the next dated of hearing the case will be dismissed on non-prosecution.

Today however, when the matter was listed for Applicant's evidence, even after granting number of opportunities, there is no representation from the Applicants side.

In view of the foregoing, I feel there is no justification in granting further opportunity to the Applicant for this purpose. It seems that the Applicant is not interested in pursuing the Claim Application and for this reason the Claim Application is "Dismissed Non Prosecution".

(Ved Prakash)
Member (Technical)