

1010

**RAILWAY CLAIMS TRIBUNAL
MUMBAI BENCH
OA(HU)/MCC/ 445/ 2019**

(Ms. Renu Manojkumar Singh & ors. V/s GM, C. Rly.)

ORDER

20-12-2023

Appearances:

Shri V. N. More

Ms. Ankita Rele

-

-

Ld. Counsel for the Applicant

Ld. Counsel for the Respondent

ORAL:-

- 1) Perusal of the record shows that ~~Issues~~ in this case were framed on 19-07-2021 and thereafter, the matter was listed for Applicant's Evidence. The matter was listed on 13-04-2022, so as to enable the Applicant to file evidence by way of Affidavit. On this date, the Ld. Counsel for the Applicant was not present, therefore, the case was adjourned. When the matter was listed on 18-05-2022, last and final opportunity was granted to Ld. Counsel for the Applicant to lead evidence. It was made clear that in case he fails to lead evidence on the next date of hearing, he will forfeit his right to lead Applicant evidence and the case was adjourned to 06-08-2022. On 06-08-2022 also, the situation remained same. None appeared on behalf of the Applicants. In the interest of justice, one more but last opportunity was granted to the Ld. Counsel for the Applicant to lead Applicant evidence and the case was adjourned today.
- 2) Today also, the situation remained same. The Applicant is not present to lead Applicant evidence. The Ld. Counsel for the Applicant has submitted that the Applicants are not interested in pursuing their Claim Application and hence, prayed for issuance of necessary orders to this effect. The Ld. Counsel for the Respondent prays for dismissal of the case as sufficient opportunities have been granted to the Applicant for this purpose.
- 3) In view of the foregoing, we feel that there is no propriety to keep the matter alive on board securing the presence of Applicants to lead Applicant Evidence. There is no justification in granting further opportunity to the Applicants for this purpose as Applicants have lost their interest in pursuing the Claim Application and hence, the Claim Application is "Dismissed for Non-Prosecution".

(Alak Upasani)
Member (Judicial)

(H. D. Gujrati)
Member (Technical)