

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9323 OF 2026

Shakila Iliyas Tamboli,
Age 55 years, Occupation – Household,
R/o Naydongri, Aher Galli,
Nandgaon, Dist Nashik.

...Petitioner

Versus

Union of India (Through Gen Manager,
Central Railway, Mumbai)

...Respondent

Mr. Pritesh Bohade, for the Petitioner.
Adv Nisha Valani, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATE : 21st SEPTEMBER 2026

JUDGMENT:

1. Rule. Rule made returnable forthwith, and, with the consent of the learned Counsel for the parties, heard finally.
2. This Petition under Article 227 of the Constitution of India calls in question the legality, propriety and correctness of an order dated 31st January 2025 passed by the Railway Claims Tribunal, Mumbai, on an Application for allocation of share of Applicant No.1 in Claim

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Application No. OA (II U)/MCC/2016/0271, awarded by judgment dated 14th August 2024, to the Petitioner-Applicant No.2, therein.

3. Imran Ilyas Tamboli (the deceased) was the son of Petitioner and Ilyas Tamboli (Applicant No.1).
4. The Petitioner and Applicant No.1 had filed an Application under Section 16 of the Railway Claims Tribunal Act, 1987 (“the Act, 1987”) for compensation arising out of an alleged untoward incident resulting in the death of Imran.
5. By a judgment and order dated 14th August 2024, the Claims Tribunal allowed the Claim Application and directed the Respondent to pay a sum of Rs. 8,00,000/- to the Applicant as compensation. Applicant No.1 Ilyas and the Petitioner were awarded an equal share in the said compensation amount.
6. The Petitioner preferred the instant Application seeking modification in the said order with the assertion that Ilyas, the father of the deceased and husband of the Petitioner, passed away on 13th May 2023, during the pendency of the Application. However, the Petitioner being an illiterate lady did not inform her Advocate about the said fact as she was not aware of the name and contact details of the Advocate since her deceased husband was prosecuting the Application. As Applicant No.1 has passed away, the Petitioner be paid the share allocated to Applicant No.1 also.

7. By the impugned order, the Tribunal rejected the Application opining that the judgment cannot be modified or corrected, as sought by the Petitioner, since modification sought by the Petitioner was not in the nature of a clerical error.
8. Mr. Pritesh Bohade, the learned Counsel for the Petitioner, submitted that the Tribunal was in error in observing that the judgment cannot be modified or corrected. It was submitted that since the Tribunal has already awarded the compensation in terms of the provisions contained in Section 124-A of the Railways Act, 1989 (“the Act, 1989”), the Tribunal could not have rejected the prayer to modify the order so as to release the entire quantum of compensation in favour of the Petitioner who is indisputably a dependent of the deceased, who was unmarried.
9. Ms. Nisha Valani, the learned Counsel for the Respondent supported the impugned order. It was submitted that there is no provision to modify the final judgment passed by the Claims Tribunal.
10. Evidently, the Claims Tribunal while allowing the Application has returned a finding that the Petitioner-Applicant No.2 and deceased Iliyas (Applicant No.1) were dependent of the deceased and, thus, awarded the compensation in equal share.
11. In view of the provisions contained in Section 123 (b) of the Act, 1989, in case the deceased passenger is unmarried, his parent(s) become the dependent (s). Even if the fact that Applicant No.1, Iliyas had passed

away, was brought to the notice of the Claims Tribunal, during the pendency of the Claim Application, the Petitioner-Applicant No.2, in her capacity as the dependent of the deceased could have legitimately pursued the claim for compensation. In that event, the Petitioner would have been entitled to award of compensation of Rs. 8,00,000/-, solely.

12. It is trite, in view of the provisions contained in Section 18 of the Act, 1987, the Claims Tribunal is not bound by the procedure laid down by the Code of Civil Procedure, 1908 (“the Code”) but shall be guided by the principles of natural justice and is also empowered to regulate its own procedure. Yet, Sub-Section (3) of Section 18 of the Act, 1987, empowers the Tribunal to exercise the power as are vested in a Civil Court under the Code, in respect of specified matters including reviewing its decisions. Therefore, it cannot be said that the Claims Tribunal is completely denuded of the power to embark upon an exercise of substantive review as distinguished from procedural review.

13. In a situation of this nature, the Claims Tribunal could have exercised the power analogous to the power under Section 152 of the Code.

14. A profitable reference in this context can be made to the decision of the Supreme Court in the decision of **Niyamat Ali Molla Vs Sonargaon Cooperative Housing Society**¹ wherein it was enunciated that Section 152 of the Code empowers the Court to correct its own error in a

¹ AIR 2008 SC 225.

judgment, decree or order from any accidental slip or omission. The principle behind the said provision is *actus curiae neminem gravabit*, i.e. nobody will be prejudiced by an act of Court. The Code recognizes the inherent power of the Court. It is not only confined to the amendment of the judgment or decree as envisaged under Section 152 of Code but also inherent power in general. The Courts also have duty to see that the records are true and present the correct state of affair.

15. In the said case, the Supreme Court referred to a previous judgment in the case of **Lakshmi Ram Bhuyan Vs Hari Prasad Bhuyan and Ors**² wherein it was enunciated that Section 152 of the Code enables the Court to vary its judgments so as to give effect to its meaning and intention.

16. Applying the aforesaid principles to the facts of the case, this Court finds that the Petitioner could have prosecuted the claim application in her capacity as the dependent of the deceased, in her own right, and in that event would have been entitled to the compensation of Rs.8,00,000/-, even if Iliyas (Applicant No.1) passed away during the pendency of the Claim Application. If that is the case, the Claims Tribunal could not have rejected the Application by observing that it had no power to correct the final judgment and order, especially in view of the provisions contained in Section 18(3) (f) of the Act, 1987.

17. The Petition, therefore, deserves to be allowed.

2 (2003) 1 SCC 197.

18. Hence, the following order:

: O R D E R :

- (i) The Petition stands allowed.
- (ii) The impugned order dated 31st January 2025 stands quashed and set aside.
- (iii) The Misc Application No. OA (Ilu)/MCC/271/2016, stands allowed.
- (iv) The Claims Tribunal shall carry out the necessary amendment in the judgment and order dated 14th August 2024 so as to pay/release the amount of compensation allocated to the deceased Applicant No.1 also, to the Petitioner -Applicant No.2.
- (v) Such necessary amendment be made within a period of 30 days from the date of communication of this order.
- (vi) Rule is made absolute in the aforesaid terms.

No costs.

[N. J. JAMADAR, J.]