



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1070 OF 2019 (RCT)

BETWEEN:

THE UNION OF INDIA
REPRESENTED BY ITS GENERAL MANAGER,
SOUTH WESTERN RAILWAY,
HUBLI - 580 020.

...APPELLANT

(BY SRI. HARSHA P. BANAD, ADVOCATE)

AND:

1. SMT SAROJAMMA
W/O M.DODDAIAH,
AGED 57 YEARS,
2. SRI M DODDAIAH
S/O LATE MARI GOWDA,
AGED 67 YEARS,

BOTH ARE R/AT NO.2449/1.K/39/1,
HOSABANDI KERI, 2ND CROSS,
K R MOHALLA,
MYSORE - 570 004.

...RESPONDENTS

(BY SRI. ABHISHEK M.R., ADVOCATE FOR R2
R1 EXPIRED AS PER POSTAL SHARA)



THIS MFA IS FILED U/S 23(1) OF THE RAILWAY CLAIMS TRIBUNAL, AGAINST THE JUDGMENT AND ORDER DATED 30.10.2017, PASSED IN NO.OA II U 152/2017, ON THE FILE OF THE RAILWAY CLAIMS TRIBUNAL, BENGALURU BENCH, ALLOWING THE OA AND DIRECTING TO RESPONDENT SHOULD BE COMPLIED AS EARLY AS POSSIBLE BUT NOT BEYOND THE TIME LIMIT PRESCRIBED THEREIN.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Heard learned counsel for the appellant and learned counsel for the respondents on IA.No.01/2019.

2. This application-IA.No.1/2019 is filed by the appellant - railway organization seeking to condone the delay of 389 days in filing the appeal. Objections to this application are not filed by the respondents. However, learned counsel for the respondents orally objects to the allowing of the application.



3. It is the contention of learned counsel for the appellant, Sri Harsha P. Banad, that the reasons and cause shown for delay have been explained in paragraph No.2. It is contended that the claim petition came to be allowed on 30.10.2017 and the certified copy was applied for by the counsel on 27.03.2018, and the same was delivered on 05.04.2018. Thereafter, the counsel for the appellant furnished the order copy with his legal opinion on 04.10.2018. The file thereafter was put up to the law officer, and the matter was thereafter placed before the Chief Commercial Manager, who concurred with the opinion of the counsel to prefer an appeal. Immediately thereafter, the file was handed over for preferring an appeal.

4. Therefore, he contends that the delay that has occurred is due to administrative process and that the appellant has a very good case on merits so also for the reason that the tribunal has not framed relevant issues for consideration and before the filing of the DRM report, the



claims tribunal has allowed the appeal and disposed of the appeal by awarding compensation, which is illegal and arbitrary.

5. Learned counsel for the respondents vehemently contends through his oral submissions that the reasons mentioned in the application for condonation of delay are vague and frivolous. The same cannot be accepted, as there is a huge delay of more than 389 days. No cogent reasons are specified for condonation of the delay. Therefore, he seeks dismissal of the application for delay and consequently the appeal.

6. I have heard learned counsel for both the appellant and the respondents. On a careful consideration of the application for condonation of delay, what is relevant for this Court is to see whether the appellant has made out good cogent reasons, satisfactory grounds, and explanations for the delay having occurred and whether the delay so sought to be condoned is bona fide and whether there is any negligence on the part of the railway



organization in approaching this Court for filing the appeal and whether such delay could be condoned.

7. It is relevant to note here that whenever there is a delay, it is the onus on the appellant to show good cause and cogent reasons and make out sufficient cause with bona fide reasons to condone the delay. The reason so specified should be clearly made out for the satisfaction of this Court to impress upon the Court that the delay is genuine and it is not deliberate and willful negligence on the part of the appellant for condonation of the delay. In the present case on hand, the reasons for condonation of delay are explained in paragraph No.2. The gist of the reasons is that it is due to administrative process and administrative delay and exigencies while obtaining the permission for filing the appeal. While sending the legal opinion and sanction of the permission, the delay has occurred. Hence, the same is sought to be condoned. On a careful perusal it is seen the claims tribunal allowed the claim petition on 30.10.2017. Certified copy was applied



by the counsel on 27.03.2018 which is almost six months, from the date of the allowing of the claim petition. Despite the appellant having participated before the claims tribunal, the copy was delivered on 05.04.2018, the very next month on application, within 7 days after applying the certified copy. Thereafter, the counsel has sought for legal opinion on 04.10.2018. Again, six months time is taken to furnish a legal opinion to the authorities for permission to be granted to file the appeal, and thereafter no date is specified as to when the permission was granted by the railway organization to file the appeal. The appeal is presented on 31.01.2019, which is again three months after the legal opinion was sent.

8. On a careful perusal of the explanation provided for the delay, I do not find any good ground or cogent reason to condone the delay, as the delay is not bonafide. No good grounds or cogent reasons are stated for condoning the delay, except from the service exigencies and the administrative process of delay that has occurred



in filing the appeal. These frivolous vague reasons of administrative delay and exigencies in the administrative side have been deprecated by the ***Hon'ble Apex Court*** in the case of ***Esha Bhattacharjee V/s Managing Committee of Raghunathpur nafar Academy and others*** reported in ***(2013) 12 SCC 649*** "When a person sleeps like a Kumbhakarna and does not exhaust his remedy to file an appeal within the proper time, he shall not be given the liberty to prefer the appeal, as the delay of one person has accrued right to the benefit of the other person."

9. In the case of ***Pathapati Subba Reddy (Died) By Lrs and others V/s Special Deputy Collector (LA)*** reported in ***(2024) 12 SCC 336***. It is relevant to extract paragraph No.28.

"28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:



28.1. *Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*

28.2. *A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*

28.3. *The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*

28.4. *In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*

28.5. *Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*

28.6. *Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*

28.7. *Merits of the case are not required to be considered in condoning the delay; and*

28.8. *Delay condonation application has to be decided on the parameters laid down for*



condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

10. Therefore, in view of the discussions made herein above, I do not find any good ground or cogent reason to allow the application by condoning the delay of 389 days, as the reasons assigned are not bona fide and not genuine, and in the age of technology where whatsapp communications are sent, emails are sent, and documentations are sent through emails and communications through electronic modes. I do not think that the railway organization or for that matter any other private person could take umbrage under this process of delay which cannot be appreciated. Under the circumstances, I pass the following order.

ORDER

- 1) The application - **IA.No.1/2019** is ***dismissed***. Consequently, the appeal stands **dismissed**.



- 2) The appellant shall deposit the entire amount in favour of the respondent. In view of death of respondent No.1, respondent No. 2, the sole legal representative of the deceased shall be entitled to withdraw the entire amount.
- 3) On deposit and if any amount is already deposited, the same shall be withdrawn by the respondent No.2.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 2