

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.778 of 2013

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Kaushalya Mosomat @ Kaushalya Devi wife of Late Hira Sahni @ Hira Lal Singh, resident of village –Kagaji Tola (Banpar Tola), PO and PS-Kahalgaon, District-Bhagalpur.

.... Appellant/s

Versus

Union of India through General Manager, Eastern Railway, Head Office-1st Floor, 17- Neta Jee Subhas Chandra Road, Kolkata-700001.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarita Bajaj, Adv.

For the Respondent/s : Mr. Bijay Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 23-09-2015 Heard learned counsel for the appellant and learned counsel for the respondent.

There is delay of 5 months and 18 days in filing the instant appeal which has been explained in the limitation petition.

Looking to the explanation for condonation of delay in filing the appeal is accepted, accordingly, the delay is condoned.

The Tribunal has rejected the claim application of the appellant on the ground of limitation and holding that the same has been filed after three years.

The grievance of the appellant is that the case has been rejected without any hearing to her and without notifying the case in the cause list.

From the Railway Act and Railway Claim Tribunal Act it appears that there is a provision for limitation of one year for filing a claim application. The power has been conferred upon the Tribunal on the reasonable cause shown by the claimant, the Tribunal may condone the delay upto three years, but the Tribunal without giving any hearing and without notifying the case in the cause list has rejected the claim application of the appellant.

This Court finds that the impugned order cannot be allowed to survive, accordingly, the same is set aside, the matter is remanded back to the Tribunal to hear the appellant and pass the order in accordance with law.

Accordingly, this appeal is allowed to that extent.

(Shivaji Pandey, J)

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