

**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.1305 of 2012 (O&M)
Date of Decision: March 26, 2015**

Aruna Sharma and another Appellants

vs.

Union of India Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vivek Chauhan, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM-4302-CII-2014

For the reasons mentioned in the application, delay of 26 days in re-filing the present appeal is condoned, subject to all just exceptions.

FAO-1305 of 2012

This is an appeal against the order dated 02.08.2013 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide which the application filed by the appellant under Section 5 of the Limitation Act read with Section 17(2) of the Railway Claims Tribunal Act, 1989 (in short 'the RCT Act') for condonation of delay in filing the original claim application under Section 16 of the RCT Act for compensation on account of death of Murari Lal (deceased) was dismissed.

Briefly stated that on 22.03.2003, Murari Lal Sharma died during the course of his employment with the railway while performing his duties. He was run over by the train. The claim application was filed after

nine years, eight months and twenty nine days. It was stated that the appellant (wife of the deceased) was under shock and trauma due to untimely death of her husband and being an illiterate and poor lady was not aware of the fact that the claim petition was to be filed within one year of the incident.

I have heard learned counsel of the appellant and have also carefully gone through the case file.

In this case, there is inordinate delay of nine years, eight months and twenty nine days. The illiteracy and failure on the part of the appellant to file the claim petition in time, cannot be made a ground to condone a huge delay. When the husband of the applicant-appellant died, she may have remained under shock for a particular period but not for more than nine years. The ground has been cooked up later on.

Learned counsel for the appellant states that the statements of the driver and guard of the train were recorded after four years of the accident. However, the appellant was not required to await the statements of the driver and guard of the train and could file the claim petition soon after the death of her husband.

After going through the impugned order, I agree with the same. Thus, there is no ground to condone the delay.

Accordingly, the present application as well as the appeal is dismissed.

March 26, 2015
sarita

(KULDIP SINGH)
JUDGE