

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.765 of 2015
Arising out of
Miscellaneous Jurisdiction Case No.3239 of 2010
Arising out of
Miscellaneous Appeal No.354 of 2004
Along with
Interlocutory Application No.3144 of 2015**

=====

1. Sheela Devi W/o Late Badri Narain Singh.
2. Ranjit Kumar Singh @ Ranjeet Kumar, S/o Late Badri Narain Singh
Both resident of Village +P.O. - Rampur, P.S.- Suryagarha, Dist. - Lakhisarai.
.... Petitioner- Appellant/s

Versus

The Union of India respondent through General Manager, Eastern Railway,
Kolkata.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sharma, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshari, Senior Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 28-07-2016

Re.: Interlocutory Application No.3144 of 2015

The application is for condonation of delay of 152 days in
filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that
sufficient cause is made out for condonation of delay. Consequently, we
condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.765 of 2015

The order dated 7th August, 2014 is the subject matter of challenge in the present Letters Patent Appeal whereby, the application (MJC No.3239 of 2010) for restoration of Miscellaneous Appeal No.354 of 2004 dismissed for non-compliance of an earlier order dated 28th March, 2007, was dismissed.

The appellants seek compensation on account of death of Badri Narain Singh, who was the husband of appellant no.1 and father of appellant no.2 respectively, in a railway accident. The Railway Claims Tribunal declined the application. The Miscellaneous Appeal against such order of the Tribunal stands dismissed for the reason that there is non-compliance of an earlier order dated 28th March, 2007.

Since the appellants are the wife and son of the deceased respectively claiming compensation and that it was fault of their counsel not to have filed requisites, therefore, we deem it appropriate to set aside the order dated 07.08.2014 passed in MJC No.3239 of 2010 and restore Miscellaneous Appeal No.354 of 2004 to its original number. Let the same be decided on merits in accordance with law.

The Letters Patent Appeal, thus, stands allowed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	02.08.2016
Transmission Date	

