

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

CRP (NPD) No.2541 of 2011

1.Saraswathi
W/o.G.Loganathan

2.Poongodi
D/o.G.Loganathan

3.Siva
S/o.G.Loganathan

4.Gopi
S/o.G.Loganathan

5.Aayammal
M/o.G.Loganathan

.. Petitioners

Vs

The Union of India owning
Southern Railway
Rep. by its General Manager
Chennai -600003.

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order passed in I.A.No.18 of 2011 in D.No.55 of 2011 on the file of the Railway Claims Tribunal, Chennai Bench, dated 24.06.2011 and to condone the delay of 1755 days in representation.

For Petitioners

:Mr.P.V.Sudahar
for Mr.V.Anand

For Respondent

:Mr.A.P.Srinivas

ORDER

The petitioners herein have filed the claim petition for compensation, on account of death of one G.Loganathan (husband of the first petitioner; father of the petitioners 2 to 4 and son of the 5th petitioner herein), who had succumbed to the injuries, sustained in a train accident. The accident took place 05.06.2005 and the claim petition was filed on 11.04.2011

2. The petitioners herein have filed a petition in I.A.No.18 of 2011 in D.No.55 of 2011 on the file of the Railway Claims Tribunal, Chennai Bench, seeking to condone the delay of 1755 days in representing the claim petition. The said petition was dismissed. Challenging the same, this Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioners, the revision petitioners have entrusted the case to one Mr.T.Saravanan, Advocate, in the year 2006 and thereafter, another counsel was engaged by them in the year 2007 for handling their case, who is said to have shifted his practice to Madurai without intimation and that was the reason for the delay in representation.

4. The learned counsel appearing for the respondent submitted that the delay in representation has not been satisfactorily explained and the inconvenience to the Railway administration is unjustifiable. It is submitted that in any event, the

loss caused to the Railway administration on account of the delay has to be appropriately compensated.

5. The delay is not a filing delay, but, a representation delay. For the mistake done by the counsel, the party shall not be penalized, especially, when the award of compensation is contemplated as a measure of social justice.

5.1. Considering the reasons stated for representation, the order of the Tribunal, dismissing the petition filed for condonation of delay, is hereby set aside and the revision petition is allowed. It is made clear that the delay is condoned, subject to the condition that the claimant will not be entitled to the interest for the period of 1755 days.

6. With the above direction, this Civil Revision Petition stands disposed of. No costs.

05.04.2016

ds/ogy

To:
The Railway Claims Tribunal,
Chennai Bench, Chennai.

S.VIMALA,J.

ds/ogy

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