

THE HON'BLE SRI JUSTICE S. RAVI KUMAR
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CIVIL MISCELLANEOUS APPEAL No.1452 of 2008

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JUDGMENT:
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This Civil Miscellaneous Appeal is preferred against order dated 08.08.2008 passed in I.A.No.443 of 2005 on the file of the Railway Claims Tribunal, Secunderabad Bench.

2. Claimant filed O.A.A. with a delay of 1482 days in preferring the claim and Railway Claims Tribunal allowed the application on condition of payment of costs of Rs.3,000/-to respondents on or before 31.10.2008 and posted the matter to 03.11.2008 for compliance of the said condition of payment of costs.

3. Advocate for claimant/respondent submitted that costs were paid and the Railways received the same, but preferred present appeal on the ground that Tribunal did not refer to Section 17 of the Railway Claims Tribunal Act, 1987.

4. Heard the arguments.

5. It is submitted that as stay is granted by this Court, O.A.A. is not taken up. Appeal is mainly preferred on the ground that there is long delay of 1482 days in preferring the claim. As seen from the affidavit filed in support of petition to condone delay, reason for delay is that claimants are residents of Adilabad and they approached Consumer Dispute Redressal Forum, Adilabad, but subsequently, on advice, they approached Railway Claims Tribunal and in the process, delay is caused. Considering the said reasons, Railway Claims Tribunal condoned delay by imposing costs. Appellant herein received the said costs, filed the present appeal questioning the order of the Railway Claims Tribunal.

6. I do not find any valid grounds to interfere with the discretion exercised by the Railway Claim Tribunal in condoning delay, particularly, when appellant, having received the costs imposed by the Railway Claims Tribunal for condoning delay, it is not justified in objection for the relief granted by Railway Claims Tribunal.

7. For these reasons, I am of the view that Railway Claims Tribunal has not committed any error in condoning delay in preferring the claim petition. Therefore, the appeal is dismissed, being *de void* of merits. No costs. Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

S. RAVI KUMAR, J

04th August, 2016
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