

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

C.R.P. No.196 OF 2016

ORDER:

The Civil Revision Petition is filed against the order dated 04.03.2014 passed in M.A. No.90 of 2013 in DDR No.361 of 2013 on the file of the Railway Claims Tribunal Secunderabad Bench at Secunderabad.

2) The petitioner, who went unsuccessful in M.A. No.90 of 2013 to condone the delay of 2778 days in the claim application vide DDR No.361 of 2013, filed for the injuries sustained in the accident while travelling in a train that was taken place on 19.03.2005, maintained M.A. No.90 of 2013 that it is to be filed as per Section 17 (1) (b) of Railway Claims Tribunal Act, 1987 within one year from the date of accident, since filed nearly after eight years with delay of 2778 days, ended in dismissal on 04.03.2014 holding no just or valid grounds to invoke the discretion under Section 17 (2) of the Act to condone the delay. Impugning the said order, the present revision is filed.

3) The contentions in the grounds of revision vis-à-vis oral submissions of the learned counsel for the revision petitioner are that the Tribunal ought to have adopted pragmatic approach, as the petitioner who sustained injury from the railway accident, undergone treatment for no basis to assess and that too, as his family is in Gujarat, he went to see his family and was there for some and entrusted the case to the advocate to obtain FIR and other copies to prepare and file but could not be done, which resulted in delay and hence the Tribunal ought to have condoned the delay.

4) Whereas it is the submission of the learned counsel for respondent that the Tribunal rightly dismissed the application to

condone the delay for unjust grounds and for this Court while sitting in revision, there is nothing to interfere, hence, to dismiss the revision.

5) Heard both sides and perused the material on record.

6) The approach so far as the delay condonation is pragmatic and liberal and there is no presumption that every person is contemptuous or deliberately not chosen to make a claim but for some or other bonafides. No doubt, even it is not a case to condone the delay, since it is an accidental claim, the approach to be more liberal and to sub-serve the ends of justice, the lower court ought to have allowed the application condoning the delay, subject to condition that the petitioner is not entitled to interest till date.

7) Accordingly and in the result, the revision is allowed condoning the delay, subject to condition of the claim in the event of deciding on merits in favour of the claimant, claimant is not entitled to interest on the claim but for from today, if any. No order as to costs.

8) Consequently, Miscellaneous petitions, if any pending in this Revision, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.30.12.2016
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