

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

FAO No. 6631 of 2016 (O&M)

Date of Decision: 10.11.2016

LAKHBIR KAUR

... Appellant

VS.

UNION OF INDIA

..Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Somesh Gupta, Advocate,
for the appellant.

KULDIP SINGH, J. (Oral)

The appellant impugned the order dated 03.08.2016 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (*for short 'the Tribunal'*) wherein the application filed under Section 17 (2) of the Railway Claims Tribunal Act, 1987 for condonation of delay of 2 years 6 months and 8 days in filing of the claim application, was dismissed.

Suffice to say that the husband of the petitioner died on 15.11.2012 in an untoward incident involving the Railways. There was a limitation of one year in filing the claim application which should have been filed till 14.11.2013. However, the application was filed on 23.05.2016 i.e. with the delay of 2 years and 6 months and 8 days. In this way application was filed after more than three and half years of the said untoward incident. The Railway claims Tribunal refused to condone the delay vide the impugned order.

I have heard learned counsel for the appellant.

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In the application filed by the present applicant-appellant, the reasons enumerated for causing the delay in filing the claim application are reproduced as under: -

- “1) That the applicant in connection with claim of funds lying in Bank account of her husband came in the Government Railways Police Station, Amritsar for taking Police report. Someone told her about her right of claim. The applicant applied for documents and engaged an Advocate for claim. The deceased had left behind only wife. She was in shock and tension.*
- 2) That due to untimely death of young husband having good health and sound body, gave unbearable shock to the applicant. The applicant could not cope up with the circumstances and faced difficult times. In such a scenario, it could not be expected from the applicants to initiate legal proceedings to claim the compensation. The applicant due to this happening could not keep herself in healthy condition and was totally broken.*
- 3) That after the death of her husband, the applicant lost her mental balance. The untoward incident occurred on 15.11.2012 and limitation for filing the claim application was upto 14.11.2013. The claim application is being filed beyond the stipulated period on reasonable ground and as mentioned herein above.”*

With the application, no medical certificate was produced that the applicant-appellant has lost her mental balance due to shock. However, limitation of one year is provided to collect the necessary documents to file the claim petition. She stated that she applied for the documents and engaged an advocate as well. However, there is no reason why for two years and six months after the expiry of the limitation, the documents could not be collected or the claim petition could not be filed.

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The learned counsel for the applicant-appellant has contended that the claim under the Railway Claims Tribunal Act, 1987, is beneficial legislation and the liberal interpretation should be taken. It has been further argued that the Railway Claims Tribunal, Chandigarh is to advance the interest of justice and that the appellant has got a good case on merit.

Learned counsel for the appellant has also relied upon the authority of the single Bench of Delhi High Court titled as *Nirmal Jeet Kaur Vs. Union of India and another*.

After considering the facts, I am of the view that if there is a delay in filing the application for claim, some reasonable explanation has to be furnished. Merely, on the basis of vague explanation, limitation for filing the application for claim, cannot be condoned. Moreover, the applicant-appellant claims that she had lost her mental balance and in this case no medical evidence has been produced before the Tribunal.

It being so, there is no illegality or infirmity in the impugned order dated 03.08.2016 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh and in view thereof, the present appeal is hereby dismissed.

November 10, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>