

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.529 of 2014

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1. Bipin Kumar. Son of Late Ram Sharan Singh. Resident of village - Itahari, Police Station - Naya Ram Nagar, District - Munger.

.... Appellant/s

Versus

1. The Union of India Through The General Manager Eastern Railway, Kolkata.
2. The General Manager, Eastern Railway, Kolkata.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nagendra Pd. Yadav

For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 20-07-2017 This appeal is directed against the order dated 16.05.2014 passed in O.A./OC/MA M.A. No. M.A. (O.A.)-0062/2013 by which the Railway Claim Tribunal, Patna Bench, has dismissed the claim of the appellant on the ground of delay.

Submission of learned counsel for the appellant is that the Learned Court below has not considered the ground for condonation of delay in its right perspective and has dismissed the limitation petition filed by the appellant on the ground of delay, that too without assigning any cogent reason. And as such, this application is fit to be allowed and the order dated 16.05.2014 is fit to be set aside.

Learned counsel for the Railway opposed the prayer on the ground of limitation. It has been submitted that ground for



not allowing limitation petition, has been taken in the last paragraph of the order.

Having heard both sides and perused the records also, which has been called from the Lower Court, from which it appears that the appellant has stated that he has received injuries and he was under treatment, as such he could not file the claim within time. He has also stated that he became handicapped inspite of that, the Tribunal dismissed his claim case same in summary manner.

Considering the aforesaid aspect, the order dated 16.05.2014 is not sustainable. Hence, this appeal is allowed. The matter is remanded back to the Railway Claim Tribunal for considering it afresh.

(Vinod Kumar Sinha, J)

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