

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.1365 of 2013(O&M)

Date of decision: 15.02.2017

Ranjit Kaur and others

.....Appellants

versus

Union of India

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Surinder Sharma, Advocate for the appellants
Mr.Karminder Singh, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

In the present appeal, short question involved is as to whether the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') was justified in refusing to condone the delay of 13 years and 3 months in filing the claim application?

The short facts of the case are that one Manjit Singh died in an untoward incident involving the railway. Claim application was filed by the wife and son of the deceased after 13 years and 3 months. The delay was sought to be condoned on the ground that the mother and wife of the deceased were illiterate and father was an old aged person and son was only seven years of age at the time of death of his father Manjit Singh and now he has attained majority.

I have heard learned counsel for the parties and have also

carefully gone through the file.

After going through the file I am of the view that illiteracy itself is no ground to condone the delay. It is not that after more than 13 years, the illiterate have suddenly become literate to become alive about his/her rights. Similarly, if the father was old, he will not become young after passing of 13 years. So far as minor is concerned, he was claimed to be only seven years of age at the time of accident. However, he would have attained majority at the age of 18 years i.e. after 11 years after the date of accident. Taking that into consideration, even then there is a huge delay. The claim application was filed after 13 years 3 months.

Learned counsel for the appellants has relied upon the authorities in the case titled as Chekka Shantha Kumari vs. Union of India (Uoi), 2005 ACJ 1970 and Mahendra Anantram Choure and others vs. Union of India, 2001 ACJ 1274. In case of Mahendra Anantram Choure, there was delay of about 8 months, which was condoned. In case of Chekka Shantha Kumari, keeping in view the peculiar circumstances of the case, Andhra Pradesh High Court had condoned 2190 days delay. However, in this case, delay is of 13 years and 3 months. After going through the impugned order, I do not find any ground to interfere in the order of the Tribunal refusing to condone the delay.

Resultantly, the present appeal stands dismissed.

15.02.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No