

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 67/2015**

URMILA DEVI & ANR

..... Appellants

Through: Mr. Yogesh Swaroop, Mr.Ashok
Gautam, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Joydeep Mazumdar, Lead
Counsel Northern Railways along
with Mr.Debojyoti Bhattacharya, Mr.
Rohit Dutta, Ms.Momota C.
Bhattacharya, Mr.Kamlesh Kumar,
Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **12.09.2017**

CM Appln. 4286/2015, 4287/2015

The delay in filing and re-filing the appeal is condoned. The applications are allowed.

FAO 67/2015

1. The appellants have challenged the order dated 22nd November, 2013 whereby their application for compensation was dismissed by Railway Claims Tribunal.
2. The appellants are the widow, minor son and parents of late Sarju and they had filed an application for compensation before the Claims Tribunal claiming that on 11th August, 2011, Sarju was travelling with a valid railway ticket bearing No. 79610136 from New Town Railway Station, Faridabad to New Delhi Railway Station by a local EMU train and he fell down due to

sudden jerk when the train was passing through pole near New Town Railway Station, Faridabad and suffered fatal injuries.

3. The Railway Claims Tribunal dismissed the application on the ground of non-prosecution. The Railway Claims Tribunal observed that the applicants did not appear in person.

4. The appellants are present in Court along with their counsel and have produced their Aadhaar cards. Learned counsel for the appellants submits that the appellants would not seek any unnecessary adjournment before the Railway Claims Tribunal.

5. Considering that the appellants belongs to lowest strata of the society and suffer from poverty; this Court is of the view that the impugned order dismissing the appellants' application for compensation be set aside and their application for compensation be restored.

6. The appeal is allowed, the impugned order dated 22nd November, 2013 is set aside and the appellants' application for compensation before the Railway Claims Tribunal is restored on the condition that the appellants will not seek any unnecessary adjournment in this matter.

7. It is clarified that this Court has not examined the case on merits and the parties shall urge all their contentions on merits before the Railway Claims Tribunal.

8. The parties shall appear before the Railway Claims Tribunal on 24th October, 2017.

9. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 12, 2017

dk