

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 6 OF 2016

Mr.Gorakh Suryabhanu Gavali and Anr.Appellants

Versus

Union of India Through The General Manager
Central RailwayRespondent

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Ms. Rina Kundu for the Appellants.
Mr.T.J.Pandian for the Respondent.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 09, 2018**

P.C.:

1. This Appeal is directed against the order dated 17th October, 2014 passed by the learned Member, Railway Claims Tribunal, Mumbai in case No. MA/MCC/2014/0074. There is delay of 4 years, 4 months and 23 days in filing the claim application for compensation. The tribunal has rejected the claim application for want of sufficient cause.

2. The learned Counsel for the appellants submits that the appellants are parents of the deceased son, who fell down from the train and died in rail accident. They have filed the claim application for compensation for the death of their only son. She further submits that both the parents are illiterate and very poor. They do not know about the availability of such forum for compensation and also not aware about the procedure to file the claim application and hence, delay is caused. She prays that the delay of 4 years, 4 months and 23 days be condoned.

3. The learned Counsel for the respondent while opposing this Appeal, has submitted that the delay is very long and it should not be condoned.

4. Heard submissions. Perused the papers, impugned order. There is long delay of more than four years. It is argued that the claimants are very poor and illiterate. They have lost their only son. The claim application can be decided on merits. At the threshold, no person can be denied availing justice due to poverty and illiteracy. Hence, delay is condoned on a condition that the appellants/original claimants shall give an undertaking before the tribunal that they shall

not claim any interest on the amount of compensation from the date of the claim application, if the amount of compensation is granted. Hence, First Appeal is allowed.

5. First Appeal is disposed of accordingly.

(MRIDULA BHATKAR, J.)