

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A NO. 1869 of 2015

Jayalakshmi

...Petitioner/Appellant

.Vs.

The Union of India Owning Southern
Railway (Rep., by its General Manager)
Chennai - 600 003.

....Respondent

Prayer: This Civil Miscellaneous Appeal filed under Section 23 (1) of Railway Tribunal Act to set aside the order passed by the Railway Claims Tribunal, Chennai Bench in Res.A.No.4 of 2015 in O.A.(II-U) No.10 of 2008 dated 22.07.2015, and allow the appeal and pass orders.

For Petitioner : Mr. S.Parthasarathy

For Respondent : M.Monisha for
Mr.T. Arunan
Additional Central Government
Standing Counsel

ORDER

It is the case where the claimant, the legal heir of an victim of an admitted rail accident has approached the Railway Tribunal for compensation after a delay of 2334 days. This application was filed before the Railway Tribunal for condoning the same and it was dismissed on the ground that reasons adduced for condoning the delay is not adequate.

2.The learned counsel for the appellant, submitted that the appellant is an illiterate and hails from Andhra Pradesh and has moved the authorities from pillar to post to obtain necessary supporting documents to establish a right to claim compensation, and this coupled with her ignorance about legal process has resulted in the delay. The second part is the illiteracy itself has disabled her from perusing her remedy.

3.Heard Mr. S.Parthasarathy, learned counsel appearing for the appellant and M/s.M.Monisha for Mr.T. Arunan Additional Central Government standing counsel appearing for the respondent.

4.The submissions of the learned counsel for the petitioner was along with the lines indicated in the impugned order.

5. It is not in dispute that the appellant's son, a 18 years old boy, died in a railway accident. The copy of the application in R.A.No.4 of 2015 filed for condonation of delay carries the thumb impression of the appellant in her affidavit. While it is important that a litigant should be vigilant, it should not be stretched to include a situation where a litigant is disabled by her illiteracy from approaching this Court in time. Taking into consideration of the facts and circumstances of the case, this Court finds it proper to condone the delay.

Accordingly this appeal is allowed. No costs.

Sd/-

Assistant Registrar(CS-iv)

//True Copy//

Sub Assistant Registrar

To.

The Union of India Owing Southern
Railway (Rep., by its General Manager)
Chennai - 600 003.

+1cc to Mr.M.T.ARUNAN, Advocate, S.R.No.34563

+1cc to Mr.S.PARTHASARATHY, Advocate, S.R.No.34514

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