

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.370 of 2014

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is filed by the appellants-applicants, challenging the order, dated 03.01.2014, passed in M.A.No.11 of 2013 in D.D.R.No.498 of 2012 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the petition for condonation of delay of 2757 days in filing the claim petition by the appellants-claimants, was dismissed.

2. Heard both sides. Perused the record.

3. It is pertinent to state that when a person on whom the appellants-applicants are dependants, dies in an untoward incident of accidental fall from a train, the appellants-applicants would be in state of trauma, suffering and mental agony. Under those circumstances, they may not be in a position to engage an advocate to file a claim petition claiming compensation before the Tribunal, within the stipulated time. Since the Railways Act, 1989, is a beneficial legislation, the Tribunal, while dealing with delay condonation applications, should adopt a liberal approach and not a hyper-technical view. If there is no deliberate delay with some ulterior motive, the delay should normally be condoned. Substantial justice lies in deciding the matter on merits rather than disposing it of on technicalities. Considering the reasons narrated in the affidavit filed by the appellants-applicants in the claim

petition before the Tribunal, the Tribunal ought not have dismissed the application for condonation of delay. Having regard to the submissions now made by the learned counsel for the appellants-applicants, this Court is satisfied that sufficient cause is shown for condonation of delay.

4. Accordingly, the appeal is allowed and the impugned order is set aside. The delay of 2757 days in filing the claim petition before the Tribunal by the appellants-applicants is condoned. The Tribunal is directed to number the claim petition and dispose of the same on merits, in accordance with law, as expeditiously as possible. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

11<sup>th</sup> October, 2018  
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Dr. SHAMEEM AKTHER, J

