

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.906 OF 2012

JUDGMENT:

The Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 02.07.2012, in R.P.No.8 of 2011 and I.A.No.628 of 2011 in O.A.A.No.227 of 2003 on the file of Railway Claims Tribunal, Secunderabad Bench at Secunderabad, (for short, 'the Tribunal'), whereunder and whereby, the review petition R.P.No.8 of 2011 filed by the applicants to review the order, dated 28.11.2011, whereunder it dismissed the claim application, and I.A.No.628 of 2011 filed to permit the applicants to mark Next Heir Certificate as exhibit and also to allow applicant No.2 to sign the original application, were dismissed.

2. Heard the learned counsel for the appellants/applicants and the learned Standing Counsel for the respondent/Railways. Perused the material on record.

3. Learned counsel for the appellants would contend that the Tribunal ought not to have dismissed the Revision Petition and it ought to have given an opportunity to the appellants to file the Legal heir certificate and that the order passed by the Tribunal is erroneous.

4. Review Petition No.8 of 2011 is filed before the Tribunal after dismissal order passed in I.A.No.628 of 2011 on 28.11.2011. The case of the appellants is that unfortunately the legal heir certificate was not marked by oversight. The Tribunal had recorded finding

that number of opportunities were given to the appellants to mark the legal heir certificate, even then the appellants did not avail the opportunity and did not bring the so-called legal heir certificate on record.

5. As per the record, the petitioners have got knowledge of not getting legal heir certificate on record by 22.11.2011. Even then the appellants have not taken the action to get the legal heir certificate.

6. The Review Petition was dismissed by the Tribunal assigning reasons. There is no error apparent on the face of the record or any other justifiable circumstance to allow the appeal. The contentions raised by the learned counsel for the appellants are unsustainable. Hence, the appeal is devoid of merit and same is liable to be dismissed.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

OCTOBER 29, 2018
YVL

DR.JUSTICE SHAMEEM AKTHER

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



CIVIL MISCELLANEOUS APPEAL No.906 OF 2012

Date: 29.10.2018

YVL