

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.204 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 02.07.2012, passed in M.A. No.25 of 2011 in DDR No.156 of 2011, by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the Tribunal dismissed the application filed by the appellants-applicants, which was filed to condone the delay of 1108 days in filing the claim application for the death of their son in an untoward incident of accidental fall from train No.7233 Bhagyanagar Express on 10.07.2007.

2. Heard both sides. Perused the record.

3. As per the material placed on record, the Tribunal did not consider the request to condone the delay of 1108 days said to have occurred in filing the claim application. It is contended that the applicants are in shock due to the death of their son. Therefore, they could not file the claim application in time. In seeking legal advice also, some time was lapsed. There is no substance in the submissions made on behalf of the applicants. The delay is abnormal. No records are available with the railways to defend themselves. There is no justifiable cause to condone the delay in filing the claim application. The Tribunal had elaborately dealt with all these aspects and rightly dismissed the application filed by the applicants to condone the delay in

filing the claim application. Under these circumstances, there is no merit in this appeal and is liable to be dismissed.

4. In the result, the appeal is dismissed, confirming the impugned order, dated 02.07.2012, passed by the Tribunal in M.A. No.25 of 2011 in DDR No.156 of 2011. Pending Miscellaneous Petitions, if any, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

12th November, 2018

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