

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of Decision: December 10, 2018

Ambuja Cements Limited

Petitioner

Versus

Union of India

...Respondent

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Vijay Sharma, Advocate,  
for the petitioner in all the cases.

Mrs. Kulwant Kaur Kahlon, Advocate,  
for the respondent in all the cases.

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**AMIT RAWAL, J. (Oral)**

This order of mine shall dispose of eleven Civil Revision Petitions bearing No.2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2752, 2753 and 2754 of 2017 titled as “Ambuja Cements Limited Versus Union of India” as the common questions of law and fact are involved.

All the aforementioned petitions have been directed against the impugned orders dismissing the applications for recalling of the order whereby claim petitions before the Railway Claims Tribunal were dismissed in default on 12.08.2015.

Mr. Vijay Sharma, learned counsel appearing on behalf of the petitioner in all the cases submitted that the claim petitions were filed on the grounds stated therein against the private respondent owing to the non-delivery of the goods. In pursuance to the aforementioned notice, respondent-Railways had taken ten adjournments for filing the written

statement. However, due to the non-appearance of the counsel on the date fixed, i.e., 12.08.2015, the claim petitions have been dismissed in default. On 11.09.2015, petitioner moved applications for restoration of the petitions, but the same were dismissed vide order dated 09.10.2015. Review application against the order dated 09.10.2015 was filed which was also dismissed on 31.05.2016 and, thus, urged for setting-aside the impugned orders and directing the Railway Claims Tribunal, Chandigarh Bench, Chandigarh to adjudicate the lis on merits.

Mrs. Kulwant Kaur Kahlon, learned counsel appearing on behalf of the respondent-Railways submitted that the absence has not been shown to be unintentional but willful, therefore, the Railway Tribunal rightly dismissed the applications. There is no provision in the Railway Claims Tribunal Act, 1989 governing the entertainment of the claim petitions and, thus, urged this Court for dismissal of the revision petitions.

I have heard the learned counsel for the parties and appraised the paper book.

Without expressing any opinion on the merits regarding maintainability of the provisions of the Act, in order to avoid miscarriage of justice and do justice, particularly when the applications for restoration were filed with due diligence on 11.09.2015, the Railway Claims Tribunal should not have adopted casual approach in dismissing the applications by not restoring the claim petitions. No harm and prejudice would be caused to the opposite party, which can always be compensated in terms of money as after having availed ten adjournments, written statement was not filed.

For the reasons stated above, the impugned orders are set-aside.

Applications for restoration are allowed and the claim petitions are restored

to original numbers, subject to payment of ₹ 2,000/- as costs in each case.

Revision petitions stand allowed.

**December 10, 2018**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable:</b>       | <b>Yes/No</b> |