

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R.No.3909 of 2016

Date of Order: 02.02.2018

Darshan Singh and Another

....Petitioners

Versus

Union of India

....Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Pankaj Middha, Advocate for the petitioners.

Mr. Sanyam Malhotra, Advocate for the respondent-UOI.

AMIT RAWAL, J (ORAL)

Present revision petition is preferred against the impugned order dated 07.1.2016 rendered by learned Railway Claims Tribunal, Chandigarh (for short “the Tribunal”), dismissing the application for impleading the LRs of applicant/claimant (deceased) on technical reasons.

Learned counsel for the petitioners submitted that as per order dated 24.11.2015, counsel for the applicant had filed Aadhar Cards and affidavits one certified by the SDM and the other from the Municipal Counsellor, which were taken on record but he could not file copy of Bank Account of the LRs. All the documents were placed before the Tribunal yet the application has been rejected. Even otherwise, the LRs are to be brought on record only for the purpose of adjudication of the claim and not for deciding any title.

Per contra, learned counsel for the respondent-UOI submitted that the impugned order is perfectly legal and justified and there is no

illegality or perversity in the same.

After hearing learned counsel for the parties and appraising the paper book, I am of the view that the Tribunal should have appreciated the fact that the application for bringing on record the LRs is only for the purpose of adjudication of the claim and not for judging any title. No plausible explanation has come forward for not permitting the LRs to be brought on record. Even otherwise, as per High Court Rules and Orders, it is the duty on the part of the applicant to take steps to bring the legal representative of the deceased on record, in place of the deceased. The need for diligence commences from the date of such knowledge and moreover if the applicant pleads ignorance even after the court notifies him about the death of the deceased party that may be an indication of negligence or want of diligence.

In view of what has been observed hereinabove is sufficient to hold that there is merit in the present revision petition and the same is allowed as such.

February 02, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No