

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.592 of 2014

1.Smt. Indumati Devi w/o Late Satyanarain Rai.
2.Prabhat Rai s/o Late Satyanarain Rai.
3.Shalani rai d/o Satyanarain Rai.

Appellants Nos. 2 and 3 are minor and represented by their natural guardian and mother Smt. Indumati Devi.

All are resident of village:- Rewatipur, PO & PS: suhawal, District Gajipur (UP).

... .. Appellant/s

Versus

The Union Of India Through The General Manager, Eastern Railway, 3-Koelaghat Street, Kolkata-700001.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Mohan Murari, Adv
For the Respondent/s : Mr. Anil Singh, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 22-07-2019

I.A. No. 8437 of 2014

Heard parties.

This interlocutory application has been filed for condoning the delay of about **one year eight months and twenty eight days** in preferring the present miscellaneous appeal.

For the reasons mentioned in the interlocutory application, this Court is satisfied that the appellant was prevented for sufficient reasons from preferring this miscellaneous appeal within time.



As a result, this interlocutory application is allowed and the delay in filing this miscellaneous appeal is hereby condoned.

M.A. No. 592 of 2014

This appeal has been filed for setting aside the order dated 25.09.2012, passed by Railway Claims Tribunal, Patna Bench, Patna, by which the claim application of the appellants was rejected without the matter being placed before the court on the ground of excessive delay.

The claim application was filed with an application for condonation of delay, as the same was filed beyond the period of limitation and there was delay of two years and two months. In her claim application, the applicant-widow had stated that her deceased-husband died in an untoward accident and she filed claim application for grant of compensation which was barred by law of limitation. She has filed the application for condonation of delay in filing the claim case in which, she has explained the reasons in para 2 to 5 of her petition for not filing her claim application within time.

This court is satisfied that the appellants were prevented for sufficient reasons for not filing their claim application before the Tribunal within time, as such the delay in



filing the claim application is condoned and the order dated 25.09.2012 is set aside.

In view of the above, the matter is remanded back to the Tribunal and the Tribunal is directed to decide the claim application of the appellants for grant of compensation within six months from the date of receipt/production of a copy of the order passed by this Court.

With the aforesaid observation and direction, this application is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	NA

