

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.50 of 2015

1. Suresh Singh, son of Late Raghubir Singh
2. Parwati Devi, Wife of Suresh Singh
both are resident of village- and P.O.- Bariyarpur, P.S.- Kanti, District-
Muzaffarpur....

... .. Appellants

Versus

The Union of India through the General Manager, East Central Railway,
Hazipur

... .. Respondent

Appearance :

For the Appellants : Mr. Ajay Kr Singh No.1, Adv.

For the Respondent : Mr. Ramadhar Shekhar, Addl. S.C. (Railway)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 09-07-2019

I.A. No. 924 of 2015:

This interlocutory application has been filed for
condoning the delay of 616 days in preferring this
miscellaneous appeal.

Sufficient reason has been shown in the application for
condonation of delay for not filing the appeal within time. As
the present appeal arises out of claim case for grant of
compensation on account of death in a railway accident, taking
a sympathetic view, the delay in filing the appeal is condoned.

I.A. No.924 of 2015 stands allowed.

M.A. No.50 of 2015:

Heard learned counsel for the appellants as well as
learned counsel for the respondent.

2. This miscellaneous appeal has been filed for



setting aside the order dated 18.02.2013 passed by Railway Claim Tribunal, Patna in M.A. No. 00024 of 2009 by which the Tribunal has rejected the claim petition on ground of delay.

3. Claimant in his claim petition has stated that on 15.06.2006, the deceased Prem Kumar was coming from Silant to Muzaffarpur Junction in passenger train no. 323 UP with a valid ticket and as the train started from Narayanpur Anant Station, due to heavy rush and jostling in the compartment, he fell down and sustained grievous injury and died near railway crossing gate no. 99. The train gate-man informed the station master of Narayanpur Anant Station. The Station Master prepared memo of this accident and informed GRP Muzaffarpur upon which FIR was instituted and inquest report was prepared and dead body was sent to the postmortem to S.K.M.C.H, Muzaffarpur. The deceased was 22 years old boy who died in an untoward incident and for which claim case was filed giving rise to claim case no. 24 of 2009 claiming an amount of Rs. 4,00000/- (four lacs) as a compensation. The accident took place on 15.06.2006 and claim case was filed on 20.04.2009 and there was delay of 1 year 10 months and as such, claim application was accompanied by an application for condonation of delay assigning reasons for delay, however, same was



dismissed without claim case being sent to the court by the registry on 18.02.2013 as being barred by limitation since the claim petition was filed after 01 year 10 months.

4. From the record it appears that the claim case was dismissed during scrutiny of claim case by the office and the claim case was not even placed before the tribunal along with application for condonation of delay for its consideration.

5. After hearing the parties and perusing the order as impugned, this court finds that dismissal of the claim case without claim case being sent to the court for considering the application for condonation of delay, is not sustainable and is accordingly set aside. The Tribunal is directed to consider the claim case of claimant after condoning the delay and decide the claim case of the appellant on merit within 6 (six) months from the date of production/receipt of a copy of order passed by this court.

6. This miscellaneous appeal is allowed.

(S. Kumar, J)

Rajiv/-

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

