

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 650 OF 2018

Mr. Wajahat Vajid Ali Choudhari
v/s.
Union of India

...Appellant

Through the General Manager

...Respondent

Mr. Kuldip Singh, Advocate for the Appellant.
Mr. T.J. Pandya, Advocate for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 24th JUNE, 2019.**

P.C.

1. By the impugned Order dated 23/11/2017, the Railway Claims Tribunal has dismissed the application for condonation of the delay in filing the claim application.

2. Heard the learned Counsel for the Applicant and Respondent. Perused the records. It is not in dispute that in terms of Section 17(1) of the Railway Claims Tribunals Act, the application for compensation was required to be filed within one year from the date

of the accident. Sub-section 2 of Section 17 confers powers on the tribunal to condone the delay if the applicant is able to satisfy the tribunal that he had sufficient cause for not making the application within such period.

3. In the instant case, the appellant had file the Claim Application after a period of over four years. The appellant had raised the plea of poverty, illiteracy and mental stress and lack of legal knowledge. Mr. Kuldeep Singh, the learned Counsel for the Appellant states that since the petition has been filed after a delay of over four years, the appellants would not claim any interest during the said period and that the interest would be claimed from the date of registration of petition. Statement accepted.

4. In the case of Manoranjan Vs. Union of India – 2017 (1) Mh.L.J. 163, as follows:

10. It is true illiteracy, poverty, want of funds, ignorance of law cannot be, as of right, held to be sufficient cause for condonation of delay, however, as has been time and again ruled by the Honourable Apex Court, it is imperative for the Courts or the Tribunals that in the proceedings where rights of illiterate, poor, down-trodden

are involved, a more humane approach has to be adopted and it should not be the endeavour of the Courts or the Tribunals, or the authorities to dismiss applications or petitions merely on technicalities without looking to the merits of the case. The Railways Act is a beneficial legislation meant for providing compensation to the victims or the legal representatives of the victims of the Railway Accidents. As such, in such matters, the Tribunal is not supposed to take a pedantic or hyper technical view but is expected to adopt a humane and lenient approach. Its approach should be justice oriented. Acceptance of explanation furnished should be a normal course in such matters unless there is some contrary evidence imputing the intention or the bona fides of the claimants making delay in approaching the Court.

5. This view is further reiterated in Smt. Sulochana w/o Rajkumar Versus Union of India, (F.A. No. 717 of 2017) High Court, Nagpur Bench. In the instant case, the explanation given by the appellant, in my view, constitute sufficient cause. Hence, the tribunal was required to take justice oriented approach.

7. In view of the reasons stated in the application and the statement made on behalf of the appellant, the impugned Order is set aside. The delay is condoned. The claim application be registered and decided on its own merits. In the event the Tribunals comes to

the conclusion that the appellants are entitled for compensation, the Tribunal shall award interest only from the date of registration of the Claim Petition.

(ANUJA PRABHUDESSAI, J.)