

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.10.2019
CORAM
THE HONOURABLE MR.JUSTICE C.SARAVANAN
C.M.A.No.817 of 2010

1.Mrs. D.Saraswathi
2.Smt. Uma Maheswari
3.Smt. S.Hemalatha
4.Smt. Kannaki
5.D.Balakumar
6.D.Sureshbabu Appellants

vs

1.Union of India,
Owning Southern Railway,
rep. by its General Manager,
Chennai.
2.Union of India,
Owning North-Eastern Railway,
rep. by General Manager,
Gorakhpur Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal Act 54 of 1987, to set aside the order dated 07.01.2010 passed by the Railway Claims Tribunal, Chennai Bench in I.A.No.47 of 2009 in O.A.Diary.No.76 of 2009, to condone the delay in representation of the claim application and to register the claim petition.

For Appellants : Mr.S.Umapathy
For Respondents : Mr.M.T.Arunan

J U D G M E N T

The appellants are aggrieved by the impugned order dated 07.01.2010 passed by the Railway Claims Tribunal in I.A.No.47 of 2009 in O.A.Diary.No.76 of 2009.

2.The appellants are the legal representatives of the deceased P.Dhandapani who died on 15.04.2006 after the railway accident on 14.04.2006. The appellants had filed a railway claim application before the Railway Claims Tribunal, Chennai on 09.10.2006. However, the claim petition was returned mainly for not enclosing copies of (i) Inquest Report (ii) Final Report together with its translated copies in English and also the (iii) Original or authenticated copy of Death Certificate and Legal Heirship Certificate, which were not enclosed in time.

3.The appellants later filed I.A.No.47 of 2009 to condone the delay of 1184 days in representing the O.A. In the said proceedings, the respondents Railway filed a counter stating that the claim petition itself was barred and therefore it was liable to be dismissed. The Railway Claims Tribunal has dismissed the I.A.

4.Agrieved by the same, the present Civil Miscellaneous Appeal has been filed.

5.I have considered the arguments advanced by the learned counsel for the appellants and the respondents.

6.The learned counsel for the appellants submits that there was no delay in filing the claim petition as it was filed in time and there was only there was only delay in representing O.A to comply with the defects. Therefore, there is no delay in filing. Therefore, the order of the Railway Claims Tribunal is liable to be set aside and allowed the said I.A.No.

7.I am of the view, the delay in representing the O.A is to be condoned and the impugned order is liable to be set aside on terms. Therefore, the appellants are directed to pay a sum of Rs.1,500/- to the Mediation Centre of this Court within a period of two weeks from the date of receipt of a copy of this order.

8.If the appellants pay the amount within stipulated time, the Railway Claims Tribunal is requested to take up the claim application filed by the appellants and dispose the same within a period of six months from the date of receipt of a copy of this order.

9.The present Civil Miscellaneous Appeal is allowed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

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To

- 1.The General Manager,
Union of India,
Owning Southern Railway,
Chennai.
 - 2.The General Manager ,
Union of India,
Owning North-Eastern Railway,
Gorakhpur.
 - 3.Railway Claims Tribunal,
Chennai Bench.
 - 4.The Section Officer,
V.R.Section, High Court, Madras.
- +1CC to MR.T.Rajamohan, Advocate, SR.No.87675.

C.M.A.No.817 of 2010

NRL (CO)
CSR: 09.01.2020

सत्यमेव जयते

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