

C.M.P.No.14841 of 2016 in C.M.A.No.SR42557 of 2016

T.RAJA, J.

When this civil miscellaneous petition seeking to condone the delay of 33 days in filing the appeal against the order dated 10.2.2016 passed by the Railway Claims Tribunal, Chennai was taken up for hearing, the learned standing counsel for the respondent sought time to take instructions.

2. However, the learned counsel for the petitioner submitted that there is a short delay of 33 days in filing the appeal, which is neither wilful nor wanton, but only due to the bona fide reason that after the decretal order was made ready, the petitioner's counsel who travelled abroad returned in the first week of June, 2016 and only due to his absence in India, the said delay has occurred. Therefore, the short delay may be condoned and the appeal may be taken up for hearing on merits.

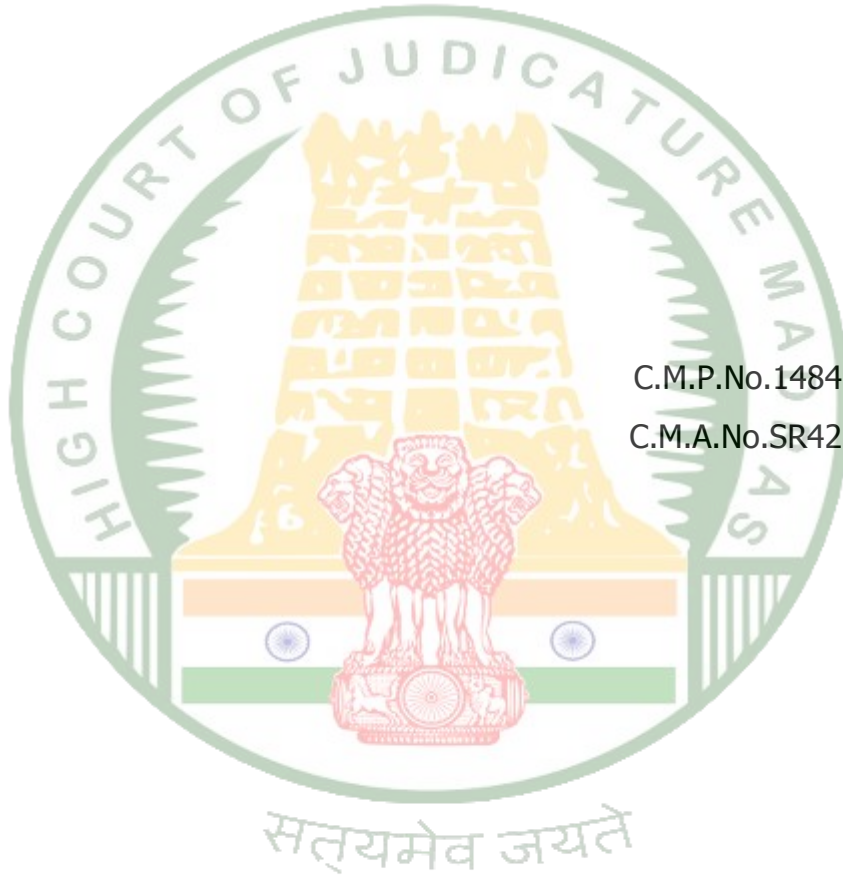
3. In the light of the various pronouncements of this Court holding that if a passenger falls down from the running train, he has to be construed as a bona fide passenger even in the absence of ticket found in his possession, this Court is inclined to condone the short delay. Accordingly, the delay is condoned and the civil miscellaneous petition stands allowed.

Post the appeal for admission next week.

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16.07.2019

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