

C.M.P. No.11183 of 2018 in
C.M.A. No.SR69364 of 2017

T.RAJA,J.

The petitioners have filed the petition seeking an order to condone the delay of 199 days in filing the above appeal.

2.Learned counsel appearing for the petitioners would submit that the claimants being the wife, daughter and mother of the deceased, have filed an Original Application before the Railway Claims Tribunal in O.A. (II-U) No.6/2016, which was dismissed on 31.08.2016. Due to bereavement in the family, the petitioners herein being the poor illiterates, having no knowledge about the legal proceedings, could not contact the counsel to file the appeal within the prescribed time and therefore, the delay of 275 days has occurred, which is neither willful nor wanton, but due to bonafide reasons. Therefore, learned counsel appearing for the petitioners pleaded for condoning the delay.

3.I also find some merits thereon. Although learned Standing Counsel appearing for the respondent argued that there has been an inordinate delay, taking note of the fact that due to the sudden demise

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of the bread winner of the family, the petitioners could not file the appeal in time, this Court is inclined to allow the petition. Accordingly, the petition is allowed and the delay is condoned.

05.08.2019

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