

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CMA. No.912 of 2019

JUDGMENT:

Heard.

This appeal is preferred by the appellants/applicants against the order dated 29.03.2019 passed in M.A.No.60 of 2018 in DDR.No.329 of 2018 by the Railway Claims Tribunal, Secunderabad Bench on the grounds that the learned Tribunal would have been condoned the delay of 881 days in filing the application and decided the claim application on merits in view of the appellants are illiterate, ignorance and poverty; that the learned Tribunal erred in holding that death of the deceased was not due to an untoward incident; that the learned Tribunal adopted a very narrow approach in the matter and the Act is beneficial piece of legislation and it ought to have adopted a liberal approach in the matter.

Appellants filed M.A.No.60 of 2018 in DDR.No.329 of 2018 seeking to condone the delay of 881 days in filing proceedings seeking compensation for the death of their son. The Railway Claims Tribunal vide its order dated 29.03.2019 dismissed the case of the appellants holding that the applicants have not explained the delay and it is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour

when the statute so prescribes. Assailing the same, the appellants filed the present appeal.

Having regard to the facts and circumstances of the case, the learned Tribunal ought to have seen that it is a beneficial legislation and but for the technicalities, the doors of the Court cannot be shut against the claimants, who already suffered enough by losing their deceased son in the train accident and more so, when the claimants are illiterate labour, who are not well versed with the procedural aspects and legal positions cannot be put to any hardship. Hence, this Court is of the opinion that the matter requires reconsideration by the learned Tribunal.

Accordingly, impugned order dated 29.03.2019 passed in MA.No.60 of 2018 in DDR. No.329 of 2018 by the Railway Claims Tribunal, Secunderabad Bench, is set aside and the matter is remitted to the learned Tribunal to decide the case on its merits.

Accordingly, this appeal is allowed. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 26.11.2019

LSK