

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.235

**FAO-3841-2016 (O&M)
DECIDED ON: July 18, 2019**

SAROJ DEVI & ORS

..APPELLANTS

VERSUS

UNION OF INDIA

...RESPONDENT

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sumit Sangwan, Advocate,
for the appellants.

Ms. Kulwant Kaur Kahlon, Advocate,
for the UOI.

REKHA MITTAL, J. (ORAL)

Challenge in the present appeal has been directed against order dated 03.11.2015, whereby application for grant of compensation was dismissed for non-prosecution and dated 18.03.2016 dismissing the application for restoration of the claim application.

Keeping in view the legislative intent behind provisions of the Railways Act, 1989 providing for compensation to make good the loss, victim or victim family has suffered coupled with technicalities of procedure cannot be allowed to stand in the way of substantial justice particularly in cases involving assessment of compensation by the Tribunal constituted for the purpose, orders impugned cannot be allowed to sustain and are accordingly set aside. As a natural corollary, the claim application is restored to its original status and number, to be decided by the Tribunal

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concerned, in accordance with law.

In view of what has been discussed hereinbefore, the appeal is allowed. The orders impugned are set aside. The application for grant of compensation bearing No.65 of 2015 is restored on the board of Railway Claims Tribunal, Haryana, Head Quarter, Chandigarh for decision of the same in accordance with law. The respondent-Union of India would be at liberty to raise a plea at an appropriate stage of the proceedings that the claimants are not entitle to interest of a particular period as delay in conclusion of trial can be attributed to the claimants.

Parties through their counsel are directed to appear before the Tribunal on 13.08.2019.

July 18, 2019

Ankur

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No