

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

-.-

FAO 2131 of 2017

Date of decision: 18.09.2019

Shakuntla Devi and another

.....Appellants

Versus

Union of India

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Simranjeet Kaur, Advocate
for the appellants

Mr. Neeraj Madan, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against orders dated 09.10.2015 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal'), whereby application for restoration of claim application dismissed on 30.07.2015 for non-prosecution was dismissed and dated 19.02.2016 dismissing the review application dated 04.12.2015.

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 that 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 number and status, to be decided by the Tribunal 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 Sr. No. OA-II/180/2013 is restored on the board of Railway Claims Tribunal, Chandigarh Bench, Chandigarh for decision, 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 claimant is not entitled to interest of a particular period as delay in conclusion of trial can be attributed to the claimant (s).

Parties through their counsel are directed to appear before the Tribunal on 26.09.2019.

(Rekha Mittal)
Judge

18.09.2019
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No