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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 35/2015**

KARI DEVI Appellant
Through Mr.Yogesh Swaroop, Mr.S.P. Bana,
Advocates

versus

UNION OF INDIA Respondent
Through Mr.Shyam Sunder Gangawar,
Advocate

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **15.02.2019**

CM APPL.2279-2280/2015

The delay in filing and re-filing the appeal is condoned. Both the applications are disposed of.

FAO 35/2015

1. The appellant has challenged the order dated 20th March, 2014 whereby the Railway Claims Tribunal summarily dismissed the appellant's claim on the ground that she is not the wife of the deceased.
2. Vide order dated 25th April, 2018, this Court directed the Railways to conduct an enquiry to ascertain whether the appellant is the wife of the deceased. Paras 1 and 2 of the order dated 25th April, 2018 are reproduced hereunder:

"1. The appellant has challenged the impugned judgment dated 20th March, 2014 whereby the Tribunal has dismissed the case on the preliminary ground that the identity of the appellant as the wife of the deceased has not been sufficiently proved.

2. This Court is of the view that it would be appropriate for the respondent to conduct an inquiry to ascertain whether the appellant is

the wife of the deceased and submit a report to this Court. Let the inquiry be conducted within a period of eight weeks from today. The report of the inquiry be placed before this Court on the next date of hearing.”

3. The Railways have conducted an enquiry in terms of the order dated 25th April, 2018 and have submitted the report according to which the appellant is the widow of the deceased, late Ranjit Chaudhary.
4. The report dated 15th October, 2018 of the Railways is hereby accepted and the appellant is held to be the widow of the deceased. Since the Railway Claims Tribunal has not considered the appellant's claim on merits, it would be appropriate to remand this matter to the Railway Claims Tribunal for fresh adjudication.
5. The appeal is allowed and the appellant's claim is remanded back to the Railway Claims Tribunal. The parties shall appear before the Railway Claims Tribunal on 16th March, 2019.
6. The Railway Claims Tribunal is directed to expedite the hearing and disposal of this claim petition.
7. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master

FEBRUARY 15, 2019
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J.R. MIDHA, J.