

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO. 755OF 2022

Mangatu Kartik Verma and anr__ Vs. __ Union of India

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.B.Dhande, Advocate for appellant
Ms. Neerja Chaubey, Advocate for Respondent

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/12/2022

1] The appeal challenges the judgment dated 26.2.2016 passed by the learned Railway Claims Tribunal refusing to condone the delay of 1 year, 7 months and 23 days in filing the claim petition.

2] Ms. Choubey, learned counsel for respondent has no objection for condoning the delay. However, it is also material to note that note from para 13 of the impugned judgment that the only ground considered for rejection of the delay is a plea recorded that the claimants were dormant for the period of delay on account of which it was impossible for the Railway Administration to conduct proper enquiry.

3] In my considered opinion, the proposition for condonation of delay has been well settled by the Hon'ble Apex Court in case of *Esha Bhattacharjee vrs. Managing Committee of Ragnathpur Nafar Academy*,

(2013) 12 SCC 649 and it has been held that the question of delay has to be considered in a liberal manner, with a justice oriented approach, so that the doors of the Court are not shut off for the litigants. The claimants/appellants are doing labour and household work. They have lost their only son to the tragic accident dated 27.2.2013, and therefore, the delay occurred in filing the claim petition, which was filed on 21.10.2015, has to be viewed in that background, considering which the impugned judgment dated 26.2.2016 of the learned Railway Claims Tribunal is hereby quashed and set aside and the matter is remanded back to the learned Railway Claims Tribunal for decision according to law.

4] Appeal is accordingly allowed in above terms. No costs.

JUDGE

Rvjalit