

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

FAO-4972-2016
Date of Decision:-**13.07.2023**

INDERKANT MISHRA

... Appellant

Versus

UNION OF INDIA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Atul Bhatia, Advocate for the appellant.

Mr. Somesh Gupta, Advocate for respondent-UOI.

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KARAMJIT SINGH, J. (Oral)

1. The present appeal has been filed by the appellant/claimant against the order dated 7.12.2015 passed by the Railway Claims Tribunal, Chandigarh Bench, whereby the application filed by the appellant seeking restoration of the claim petition, which was dismissed in default on 28.9.2015 has been dismissed along with the main claim petition, without entering into the merits of the case.
2. Mr. Somesh Gupta, counsel for the respondent-UOI submits there is no illegality in the impugned order dated 7.12.2015. However, he has not disputed the fact that the main claim petition was dismissed only on the ground of limitation. He further submits that in case the impugned order is set aside, and subsequently the Tribunal awards compensation then while doing so the Tribunal has to take care of the

fact that the appellant/claimant is not entitled to get any interest for the delayed period.

3. The appellant filed the claim petition before the Railway Claims Tribunal on account of grievous injuries suffered by him while he was travelling in train going from Dibrugarh to Chandigarh and untoward incident happened at Barauni Railway Junction as a result of which left leg near knee of the appellant was amputated and he became handicapped. The Tribunal should have taken sympathetic view while dealing with application filed by the appellant under Section 5 of Limitation Act seeking condonation of delay in filing of the claim petition, in the given circumstances specially taking into consideration the fact that the appellant is a handicapped person, so delay in filing of the claim petition deserves to be condoned.
4. In view of the above, this appeal is allowed and order dated 7.12.2015 passed by Railway Claims Tribunal, Chandigarh Bench is hereby set aside and the claim petition/application of the applicant be restored to its original number by the said Tribunal. The parties are directed to appear before the Tribunal concerned on **21.8.2023**.

13.07.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No