

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-7456-2016 (O&M)
Date of Decision:-31.07.2023

SUMITRA DEVI & ORS

... Appellants

Versus

UNION OF INDIA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Johan Kumar, Advocate
for the appellants.

None for the respondent.

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KARAMJIT SINGH, J. (Oral)

1. The present appeal has been filed against the Award / order dated 14.7.2015 of Railway Claims Tribunal, Chandigarh (for short 'the Tribunal'), whereby the Tribunal as such has refused to condone delay of more than 5 years in filing the claim petition on the ground that there are several mistakes in the application and exact number of days have not been mentioned and that the counsel for the appellants did not appear before the Tribunal on about 5 dates and consequently the application for condonation of delay along with the original claim application was dismissed.

2. The brief facts of the case are that Sumitra Devi (Widow) and her minor children filed claim petition before the Tribunal on 9.10.2013 on account of death of Pavitra Berman in an accident, which took place on 13.8.2009 when the deceased was travelling in a train. Along with the claim petition an application was also filed seeking condonation of delay in filing the said claim petition.
3. Today none has put in appearance on behalf of respondent
4. I have heard the counsel for the appellants.
5. Admittedly both the children of Sumitra Devi, who is a widow, are minor. The provisions of Section 124-A of Railways Act provides for compensation on account of untoward incident and the said provision of law is a social legislation which was enacted by the Parliament in its wisdom to provide compensation to the dependents of the deceased, who died in an untoward incident while travelling in a train. The Court should not be stringent in it's approach while dealing with such matters rather it should take liberal view. In the instant case while passing the impugned order the Tribunal failed to take notice of the fact that two of the claimants were minor while the third was helpless widow having no source of income.
6. Further the Tribunal is exercising summary jurisdiction under the Railways Act, which has been held to be a beneficial piece of legislation as per the view taken by Hon'ble Supreme Court in **Civil Appeal No.4945-2018, Union of India vs. Reena Devi** decided on **9.5.2018**.

7. In the light of above, the technical view as such taken by the Tribunal is not justified. The aim and object of the Tribunal should be to advance the interest of justice and to decide the case on merits. There is no doubt that the applicants/appellants and their counsel acted in a casual manner while approaching the Tribunal. In the given circumstances taking into consideration the fact that two of the claimants were minor, the Tribunal had sufficient cause to condone the delay. Further it is settled law that the Court is not to follow pedantic approach and each and every days delay is not required to explained by the party concerned.
8. Resultantly the present appeal is allowed and impugned order dated 14.07.2015 is set aside and the matter is remanded back to the Tribunal to decide the delay application, afresh, after giving the appellants time to rectify the deficiency, if any in the same. The appellants are directed to appear before the Tribunal on **4.9.2023**.

31.07.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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