

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No.110 of 2021

1. Gulbanu Bibi, aged about 75 years, wife of Late Sahabuddin Mian, Resident of Village-Palta, P.O.-Sabanpur, P.S.-Narayanpur, Dist.-Jamtara, Jharkhand.
2. Md. Saud, aged about 48 years, Son of Late Sahabuddin Mian, Resident of Village-Palta, P.O.-Sabanpur, P.S.-Narayanpur, Dist.-Jamtara, Jharkhand.
3. Sedun Nisha, aged about 41 years, Daughter of Late Sahabuddin Mian, Wife of Manjoor Ansari, Resident of Village-Champapur, P.O.-Chainpur, P.S.-Narayanpur, Dist.-Jamtara, Jharkhand.
4. Asma Bibi, aged about 37 years, Daughter of Late Sahabuddin Mian, Wife of Abid Mian, Resident of Village-Paharpur, P.O.-Sinduri, P.S.-Narayanpur, Dist.-Jamtara, Jharkhand.
5. Bakrid Ansari, aged about 31 years, Son of Late Sahabuddin Mian, Resident of Village-Palta, P.O.-Sabanpur, P.S.-Narayanpur, Dist.-Jamtara, Jharkhand.

.... **Appellant(s)**

Versus

Union of India represented through the General Manager, South Eastern Railway, office at Garden Reach, P.O. + P.S. – Garden Reach, Dist.-Hooghly, Kolkata.

.... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Vijay Shankar Jha, Adv.
For the Respondent(s) : Mr. Gautam Rakesh, Adv.

06/Dated: 28th August, 2024

1. The present appeal has been filed against the order dated 07.07.2021 passed by Railway Claims Tribunal, Ranchi Bench in M.A./RNC/18/2021 where claim has been dismissed on the ground of limitation without adjudicating the issues involved in the claim application filed in new format after withdrawing the earlier case with permission of the Tribunal.
2. It appears that the incident has taken place on 19.12.2012 wherein the husband of the appellant no.1 has died. Thereafter a claim application has been filed on 09.11.2017 which was defective.

3. It has been pleaded by the learned counsel for the appellants that thereafter an application has been filed for withdrawal but no order has been passed thereafter subsequently a fresh application has been filed in the year 2021 which has been numbered as MA/RNC/18/2021 and it has been dismissed on the ground of delay and laches.

4. Considering the nature of relief and the fact that the death has occurred and the widow and the minor children had approached to the Tribunal, the impugned order dated 07.07.2021 is hereby quashed and set aside and the Tribunal is directed to decide the matter on merit.

5. With above observation and direction, the present miscellaneous application stands disposed of.

(Rajesh Kumar, J.)

Amar/-
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