



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

WRIT PETITION NO. 224 OF 2024

1. Giraja W/o Rajkumar Labhane
Aged 52 years, Occ.: Labour and others
2. Rajkumar S/o Bapurao Labhane
Aged 55 years, Occ. Labourer
3. Dipali D/o Rajkumar Labhane, ...Petitioners
Aged 23 years, Occ. Education
R/o Shripur (Hore), Post Shripur,
Tahsil Deoli, District Wardha
(Maharashtra)

// VERSUS //

Union of India
through General Manager,
Central Railway, CSMT, Mumbai ... Respondents

Shri N.R.Mankar, Advocate for the petitioner.
Shri Neerja Choubey, Advocate for the respondent-Union of India.

CORAM : ANIL S. KILOR, J.
DATED : 6th MAY, 2024.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. Heard finally
by consent of the parties.

2. In this writ petition, the challenge is raised to the order dated
17th August, 2023 passed by the Railway Claims Tribunal, Nagpur

Division, Nagpur, rejecting the application moved by the petitioner for grant of permission to file the documents on record.

3. The learned Tribunal while rejecting the application has recorded the observations in the paragraph 5 which reads thus:

“5. On perusal of records it is clear that all the documents which has been filed along with the application to permit them to take on record were very well available with the applicants before filing the original claim application as stated supra in Para no.3. Since all the documents were with the applicants, we are not able to understand what prevented them from filing the same along with the original claims application and also the vested interest in prolonging the proceedings at the stage of argument. The respondent counsel rightly pointed out in her oral submission that the date of incident is 03.03.2019, the RTI application was made on 01.03.2022, the reply and documents were received by the applicants in the March 2022 and the original claim application was filed on 26.05.2022 much later after receiving the documents. Applicant adduced evidence on 06.04.2023, the respondent closed their evidence on 27.04.2023 and posted for arguments on 19.05.2023, 05.07.2023 and on 28.07.2023. We are not able to get any reasonable reason for the miscellaneous application filed by the applicants, when the documents were in their possession. Further, the applicants have not given any reason for filing these documents at the stage of argument.

4. From the above referred paragraph, it is evident that only on the ground of delay, the application was rejected. There is no observations as regards what prejudice would be caused to the other side if such application is allowed. The learned Tribunal has also not considered whether these documents are necessary to decide the question involved in the matter.

5. Considering the nature of documents and dispute, I am of the opinion that the learned Tribunal has committed error in rejecting the application. If there was any delay, the learned Tribunal ought to have imposed costs upon the petitioner, however, rejection of such application may lead to miscarriage of justice or multiplicity of litigant. In that view of the matter, I pass the following order.

- i. The writ petition is allowed.
- ii. The impugned order dated 17th August, 2023 passed by the learned Railway Claims Tribunal, Nagpur Division, Nagpur is hereby quashed and set aside and thereby the application for grant of permission to file the documents is allowed subject to payment of costs of Rs.1000/- to be paid by the petitioners to M/s High Court Gazetted Officers Association, Nagpur, within two weeks from today.

[ANIL S. KILOR, J.]