



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL No.356 OF 2024

(Savitrabai w/o. Tanaji Jhampalwad and others Vs. Union of India, through General
Manager, Secunderabad)

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

Court's or Judge's orders.

Mr. D.S. Lambat, Advocate for appellants.
Ms. Neerja Chaubey, Advocate for respondent.

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19th JULY, 2024.

1. This is an appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987, read with Section 96 of the Code of Civil Procedure.
2. The appellants have challenged the order dated 16.2.2024, passed by the Railway Claims Tribunal, Nagpur in MA/NGP/003/2024 rejecting the application filed for condonation of delay 1168 days caused for filing application for compensation before the Railway Claims Tribunal, Nagpur.
3. The application was heard on merit and it was rejected by the Tribunal by an order dated 16.2.2024.
4. Heard learned Advocate for the appellants and the learned Advocate for the respondent.
5. Learned Advocate for the appellants pointed out the grounds mentioned in the application and submitted that the reasons of the learned Railway Claims Tribunal are not legal and correct. He lastly submitted

that Tribunal has took a strict view while dealing with the application for condonation of delay.

6. He is relying upon the judgment of this Court in the case of **Manoranjan s/o. Haripada Pradhan and another Vs. Union of India**, reported in 2017(1) Mh.L.J. 163 in which law is laid down that the substantial justice is the basis for deciding such application for condonation of delay.

7. Learned Advocate for the respondent Ms. Neerja Chaubey has strongly opposed the application and submitted that the delay is not properly explained. No sufficient cause is shown to allow the application for condonation of delay. The reasons and the findings given by the Railway Claims Tribunal are legal and correct. There is no illegality and perversity. It is lastly prayed to dismiss the appeal.

8. Perused the application as well as impugned order passed by the Railway Claims Tribunal.

9. The grounds of application are that the applicant No.1 is the illiterate woman and other applicants are minor children. The relatives of applicants were taking follow up and they were requested to obtain the documents. Thereafter the documents were received from the office of General Reserve Force Police. Thereafter Covid-19 pandemic started in the month of March 2020. Therefore the applicants could not contact and collect the required documents for filing the claim. Due to Covid-19 the applicants could not contact their Advocate for proceeding further for filing the claim application. The

applicants have prayed that they required period of 1168 days for complying all the formalities and, therefore, the delay is caused.

10. The applicants have lost their bread winner in the alleged mishap. They are illiterate and time was required to collect the documents. Thereafter, there was Covid-19. These are believable and sufficient reasons. The Tribunal has to take liberal view while dealing. Further Railway Act is social and beneficial legislation and it is meant for providing compensation to the victim. Thus, on the ground of delay the applicants cannot be deprived from their valuable rights to get compensation. There is no contrary evidence to show that delay was caused intentionally.

11. The record does not show that the delay is deliberately caused. The applicant No.1 is the illiterate woman of the rural area and applicant Nos.2 and 3 are her minor children. Therefore, the reasons given by the Railway Claims Tribunal are not found justifiable for rejecting the application for condonation of delay. The Railway Tribunal failed to consider the application in its proper perspective and came to wrong conclusion by not exercising judicial discretion to condone the delay. Sufficient cause for condoning the delay are pleaded in the application. Therefore, the application deserves to be allowed in the interest of justice. The interim order passed by the Railway Tribunal deserves to be set aside.

12. Thus, the appeal is allowed and the delay of 1168 days caused for filing claim application, before the

Railway Claims Tribunal, is condoned.

13. The application be registered accordingly.

14. The appellants shall inform the Railway Claims Tribunal accordingly.

15. The Railway Claims Tribunal is directed to decide the claim application as expeditiously as possible on merit.

16. The appeal is disposed of.

(SANJAY A. DESHMUKH, J.)