



2024:DHC:6322



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 21<sup>st</sup> August, 2024***+ **FAO 267/2024 & CM APPL. 47716/2024****POONAM & ORS.****.....Appellants**

Through: Mr. Rajan Sood with Ms. Ashima  
Sood and Ms. Megha Sood,  
Advocates.

**versus****UNION OF INDIA****.....Respondent**

Through: Mr. Ankit Rai, SPC for UOI with  
Mr. Rudra Paliwal, GP and Mr. Akash  
Chandrayan, Advocate.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The appellants are legal representatives of one Sh. Sanjay @ Ramu.
2. On 20.04.2018, said Sh. Sanjay @ Ramu along with his brother Guddu boarded one train from Mandi Ghanaura to Gajrola and from Gajrola, they boarded another train i.e. train No.64554 (ANVT-MB-Memu).
3. However, in the process of boarding the above train, Sh. Sanjay @ Ramu accidentally fell down and died instantaneously. The Panchnama was prepared and the post-mortem was got conducted on 21.04.2018.



4. Admittedly, the claim before the learned Railway Claims Tribunal (in short 'the Tribunal') was lodged after a huge delay of more than four years. The appellants moved an application seeking condonation of delay before the learned Tribunal but it seems that they could not elaborate the reasons in the desired manner and merely claimed that the delay was not deliberate.

5. The learned Tribunal, taking note of the fact that there was a delay of around 4 years 9 months and 29 days and since no justifiable reasons had been given for condoning such delay, refused to entertain the claim petition.

6. Such order has been challenged by filing present appeal under Section 23 of the Railway Claims Tribunal Act, 1987.

7. During course of the arguments, learned counsel for the appellants has stated that the delay was beyond the control of the legal representatives of the deceased Sanjay @ Ramu. It is contended that earlier the appellants had engaged one Ms. Sheetla Bakshi, Advocate to represent them before the learned Tribunal, who, unfortunately, died on account of heart attack. After much effort, the file was retrieved and then they engaged Sh. S.K. Singh, Advocate, but, unfortunately, even Sh. S.K. Singh expired in April 2021 on account of Covid-19 Pandemic and, therefore, the appellants could not lodge their claim within the stipulated period of one year from the date of the accident.

8. Sh. Sood, learned counsel for the appellant does admit that the facts were not properly elaborated before the learned Tribunal. He,



however, supplements that it will be in the fitness of things if the delay is condoned, particularly keeping in mind the fact that it is welfare legislation which aims at compensating for unfortunate deaths or injuries on account of untoward incidents.

9. This Court has also gone through the claim petition and the application which had been moved before the learned Tribunal seeking condonation of delay.

10. Undoubtedly, the application is little unspecific, vague and sketchy and things might have been different had the reasons been given in detail before the learned Tribunal.

11. It is contended by Sh. Sood that the appellants belong to poor and deprived strata of society and are not literate enough and since the deceased, who was the only earning member of the family and was working as a labourer, had died, they, even otherwise, were suffering under acute mental trauma. Coupled with that, they could not arrange funds and, therefore, the delay which has taken place needs to be condoned. Reliance has been placed upon *Chekka Shanta Kumari vs. UOI: 2023 SCC Online AP 1170* and *Mahendra Anantram Choure and Ors. vs. UOI: 1999 SCC Online Bom 574*.

12. It is clear from the averments made in the present appeal that the earlier two counsel engaged by the appellant, unfortunately died which fact has also contributed immensely in belated lodging of the claim.

13. It is mentioned in the appeal that Ms. Sheetla Bakshi, who was



earlier engaged by the appellant died in March, 2019 on account of heart attack and the case filed was retrieved after much efforts and follow up and when another counsel i.e. Sh.S.K. Singh was engaged, he also unfortunately died in April, 2021. It is also contended that, in the interregnum, on account of Covid-19 pandemic, everything virtually came to a standstill and, therefore, no action could be promptly taken by the appellants.

14. This Court is conscious of the fact that the Act in question is a piece of social and welfare legislation and keeping in mind the objective and spirit with which the aforesaid enactment has been put in place, the endeavour of the Tribunal and even the Courts should be to rise above the occasion and to construe the provision as liberally as possible.

15. Moreover, this Court cannot be oblivious of the fact that the appellants are financially handicapped and on account of the death of their two previous counsel, they could not lodge the claim immediately. There is nothing to indicate that the filing of the claim was either deliberate or intentional. It was only on account of the factors which were apparently beyond their control.

16. Learned counsel for the respondent/Union of India has contended that the appellants should have given appropriate reasons when they had lodged the claim before the learned Tribunal. It is submitted that even the learned Tribunal had observed that it used to condone the delay in liberal manner but since no justifiable reason had



been assigned, it was constrained to dismiss the application seeking condonation of delay.

17. Be that as it may, keeping in mind the overall facts and circumstances of the case and also keeping in mind the reasons now disclosed by the appellants, the impugned order is, hereby, set aside and the delay in lodging the claim stands condoned.

18. The learned Tribunal would proceed with the claim petition in accordance with law.

19. However, at the same time, if eventually the appellants are found to be successful before the learned Tribunal, they would not be held entitled to any interest for the aforesaid period of 4 years 9 months and 29 days.

20. The parties would appear before the learned Tribunal within two weeks from today.

21. The appeal stands disposed of in the aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**AUGUST 21, 2024**  
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