



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

**FIRST APPEAL NO. 1272 OF 2024**

**APPELLANTS**

: 1] Ramesh S/o Ganeshrao Sakhare,  
Age about 37 years, Occu. Labour,  
  
2] Vikas S/o Ganeshrao Sakhare,  
Age about 35 years, Occu. Labour,  
  
Both R/o House No. 322, Bombay Highway,  
Kohinoor Park, Tisgaon, Aurangabad  
(Mah.) Pin 431 136.

**VERSUS**

**RESPONDENTS**

: Union of India,  
through the General Manager,  
South Central Railway, Secunderabad (AP)

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Mr. R. G. Bagul, Advocate for the appellants.  
Ms. Neerja G. Chaubey, Advocate for the respondent.  
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**CORAM : M. W. CHANDWANI, J.**  
**DATE : OCTOBER 10, 2025**

**ORAL JUDGMENT**

1. Heard. **ADMIT.** Taken up for final disposal forthwith by  
the consent of the learned counsels appearing for the parties.

2. This appeal challenges the order dated 07.11.2024  
passed by the Railway Claims Tribunal, Nagpur, thereby dismissing

the application for condonation of delay caused in filing the claim petition.

3. The appellants claim that their father namely, Ganesh Laxmanrao Sakhare has died in an untoward incident on 02.07.2017. However, the claim petition came to be filed on 14.06.2024. The reasons mentioned in the application for condonation of delay filed before the Tribunal are that the applicants/claimants who are illiterate persons were unaware about the scheme of compensation and the Investigating Officer with whom all case papers of the accident were lying, died due to a heart attack. Therefore, in spite of taking efforts the necessary documents for filing the claim petition could not be received within time due to which, there was a delay in filing the claim petition.

4. The Tribunal after considering the submissions of the appellants without observing anything, recorded a finding that the grounds mentioned in the application were not solid/sufficient grounds for condoning the delay. The Tribunal ought to have recorded the reasons for not considering those grounds as genuine grounds while recording such a finding.

5. Perusal of the application filed by the claimants before the Tribunal which is on affidavit reveals the specific contention that the Investigating Officer/enquiry officer who conducted the inquiry in the Marg, died due to a heart attack. This aspect has not been controverted by the respondent anywhere. It is also a matter of record that a significant part of the period of delay i.e. from March-2020 to February-2022 is the period during which the Covid-19 pandemic was prevailing in the entire country which is why the said period is required to be excluded.

6. Considering the reasons that the appellants/ claimants are poor persons, they lost their father in a railway accident and they are residing at Tisgaon which is quite far from the place where the Tribunal is situated, the Tribunal ought to have adopted a pragmatic approach, more particularly in view of the fact that the scheme of compensation is a beneficial legislation. No prejudice will be caused to the respondent if the delay is condoned with a rider that the appellants shall not be entitled to interest for the delayed period.

7. Therefore, the order dated 07.11.2024 passed by the Railway Claims Tribunal, Nagpur rejecting the application for

condonation of delay filed by the claimants is hereby set aside. The delay caused in filing claim petition is hereby condoned. The registry of the Railway Claims Tribunal, Nagpur to register the claim petition.

8. It is made clear that the claimants will not be entitled for interest on the amount of compensation for the delayed period, if the claim petition is allowed.

9. The First Appeal stands disposed of. No order as to costs.

**(M.W.Chandwani, J.)**

*Diwale*