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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 165/2025**

YADAV BABU SHRESTHA

.....Appellant

Through: Mr. Kshitiz Jain, Mr. Rohan
Chandra & Ms. Ananya Mago,
Advs.

versus

UNION OF INDIA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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30.05.2025

CM APPL. 36340/2025S

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The appellant has preferred this appeal under Section 23 of the Railways Claims Tribunal Act, 1987, assailing the impugned order dated 21.02.2025, passed by the learned Presiding Officer, Railway Claims Tribunal, Delhi (RCT), whereby the application for restoration of the complaint has been dismissed.
4. No one is present for the respondent despite sending advance notice.
5. Having heard the learned counsel for the appellant, it would be apposite to reproduce the orders passed by the learned RCT which reads as under:-

“The present case was filed on 17th February 2016. After 11th May 2018, i.e. on 16th August 2018, counsel for the applicant had not appeared. Thereafter, on various dates i.e. on 20th December 2018, 2nd May 2019 and 12th September 2019, counsel



for the application had not appeared. The case was dismissed for default on 12th September 2019.

After five years, on 23rd December 2019, an application for restoration was filed along with the application for condonation of delay in filing of the application for restoration. No justifiable reasons have been given in the application to explain the delay in filing the application for restoration.

Neither the applicant nor his counsel was diligent. No reasons have been given as to how the applicant and the counsel have awoken for their slumber. Six years is too long a period to recall the order whereby the main case was dismissed for default. No ground is made to entertain the present restoration application, therefore, the application for restoration of the case along with application for condonation of delay in filing the application for restoration are dismissed.”

6. Upon a bare perusal of the aforesaid order, it appears that there was an inordinate delay of more than five years in filing the application for restoration of the complaint which was dismissed in default on 12.09.2019. No sufficient cause has been shown which was beyond the control of the appellant that would make him entitled to seek the condonation of delay.

7. Hence, the present appeal is dismissed.

DHARMESH SHARMA, J.

MAY 30, 2025
Ch/Ss