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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17697 OF 2024

Saumini Alex Wife Of Late Alex George And Ors. ...Petitioners

Versus

Union Of India Thr The Gen. Manager, Central ...Respondents
Railway And Anr.

Mr Ryan Pongathara, a/w Sanskar Sharma for the Petitioners.
Mr Niranjana Shimpi, for the Respondents.

CORAM: SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

DATED: 22nd JULY 2026

Order (Per : Advait M. Sethna, J.) :-

1. Heard. Rule. Rule is made returnable forthwith with the consent of the parties.
2. This Petition is filed under Article 226 of the Constitution of India. The Petitioners are seeking a writ of mandamus to be issued against the Respondent No.2 i.e. Railway Claims Tribunal, Mumbai ("***Tribunal***" for short) directing them to update the current address of the Petitioners in the record of the OA No.1061/2014. This is so as to enable the Petitioners to receive the compensation of Rs. 8 Lakhs which was granted by the Tribunal vide Judgment and Order dated 21st December 2023. However, the same could not be availed by the Petitioners because the Tribunal had rejected a subsequent

Miscellaneous Application dated 12th July 2024 filed by the Petitioners seeking amendment in the cause title for change of address (“*Amendment Application*” for short).

3. The Petitioners had claimed compensation of Rs.8 Lakhs from the Tribunal in the Original Claim Application which was disposed of, by allowing the same in favour of the Petitioners vide Judgment and Order of the Tribunal dated 21st December 2023.

4. After the disposal of the Original Claim Application, there appears to be a change in the address of the Petitioners. Be that as it may. As such, Application for Amendment was moved by the Petitioners before the Tribunal for incorporating the change of address of the Petitioners from the Mumbai address to the new address at Bangalore. The details thereof, are set out in the Amendment Application dated 12th July 2024 filed by the Petitioners before the Tribunal.

5. Pursuant to the above, the Tribunal passed the order dated 25th July 2024 rejecting the Amendment Application. The Tribunal therein observed that despite sufficient opportunity available to the Petitioners during the pendency of the Original Claim Application, the Petitioners did not take requisite steps for making necessary amendments to the Original Application pending since 2014. This led to rejection of the Petitioners’ Amendment Application dated 12th July 2024.

6. In the above factual backdrop, the Petitioners have preferred this present Petition praying for immediate release of the said compensation of Rs. 8 Lakhs in their favour.

7. Mr. Ryan Pongathara, learned counsel for the Petitioners would submit that the Tribunal erred in not taking on record the Amendment Application of the Petitioners dated 12th July 2024 and rejecting the same. Such rejection was purely on technical grounds. The Petitioners, by such Application, only desired a change in the address of the Petitioners in the cause title, substituting their Mumbai address with the new address at Bangalore. He would submit that the Petitioners, being lay persons, were not aware of such formalities and were not informed about the same by their erstwhile Advocates. It was for such reasons that, there was some delay in preferring the Amendment Application. It, therefore, ought not to have been treated adversely against the Petitioners in the given facts and circumstances. He would, therefore, urge that the subsequent order of the Tribunal dated 25th July 2024 be quashed and set aside.

8. Mr. Niranjan Shimpi, learned counsel for the Respondents has attempted to defend the order of the Railway Claims Tribunal dated 25th July 2024 by submitting that the Tribunal is expected to follow certain procedures/rules while granting the compensation to the Petitioners, which, he would submit, is mandated under the provisions of the Railway Claims Tribunal Act, 1987 (“***RCT Act***” for short). However, Mr. Shimpi would fairly agree that since the compensation of Rs.8 Lakhs has already been granted in favour of

the Petitioners by the Tribunal vide its Judgment and Order dated 21st December 2023, hence, in the fitness of things, the said amount ought to be released by the Tribunal in favour of the Petitioners, subject to providing sufficient proof of address and other particulars.

9. We have noted the submission of the learned counsel and with their assistance, we have perused the record.

10. There is no dispute about the fact that the Tribunal has granted compensation of Rs.8 Lakhs in favour of the Petitioners, in its Judgment and Order dated 21st December 2023. The same holds the field as on date.

11. On perusal of the subsequent order of the Tribunal dated 25th July 2024, it appears that the Tribunal has rejected the claim of the Petitioners pursuant to the filing an Amendment Application by the Petitioners. This is primarily on the ground that despite sufficient opportunity available to them during the pendency of the Claim Application, the Petitioners did not take steps in this regard. This is more particularly considering that the Original Application was pending since 2014. The approach of the Tribunal in rejecting the Amendment Application of the Petitioners dated 12th July 2024 vide its order dated 25th July 2024, appears to be hyper technical.

12. Moreover, noting the submissions of the learned counsel for the Petitioners and on perusal of the record, it bears out that two Applications dated 28th March 2023 and 27th June 2023 were filed on behalf the Petitioners, which reflected the new address of the

Petitioners at Bangalore. However, it appears that no cognizance of change in address was taken. The opposite party has not disputed the fact, that pursuant to their re-location at Bangalore, this new address furnished by the Petitioners was correct and authentic.

13. In the facts and circumstance of the case, we are therefore, of the view that the Tribunal should have allowed the Amendment Application dated 12th July 2024 by permitting the Petitioners to make necessary amendments in the cause title of Original Application so as to bring on record the new address of the Petitioners at Bangalore by substituting their old address at Mumbai.

14. The Petitioner No.1 being a widowed Senior Citizen cannot be deprived of this rightful compensation of Rs.8 Lakhs despite having a favourable order of the Tribunal in the Original Application dated 21st December 2023, merely on technical grounds as recorded in the subsequent order dated 25th July 2024.

15. Considering the above, we pass the following order which in our view would meet the ends of justice.

ORDER

(i) The order of the Tribunal passed in MA/MCC/164/2024 dated 25th July 2024 is hereby quashed and set aside.

(ii) The Tribunal is directed to allow the Petitioners to make necessary amendments to the cause title of the Original Application through their

Advocate/Counsel, within a period of one week from the date of the presenting this order to the Tribunal.

(iii) The Petitioners through their Advocate/Counsel shall approach the Tribunal/its Registry within a period of three weeks from the date of uploading of this order along with the requisite address proof including Pan Card or Aadhar Card to facilitate verification. It is thereafter that the amount of compensation of Rs.8 Lakhs be released in favour of the Petitioners in terms of the order dated 21st December 2023 passed by the Tribunal.

(iv) The Registry of the Tribunal is expected to act with utmost despatch, within the timelines as directed above.

(v) The Petition is Disposed Of in the above terms. No costs.

(vi) All concerned to act on an authenticated copy of this order.

(ADVAIT M. SETHNA, J.)

(SUMAN SHYAM, J.)