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CMA No. 139 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA No. 139 of 2026

and

CMP No.1651 of 2026

Union of India Owing Southern Railway
Represented by its General Manager,
Southern Railway Chennai.

..Appellant(s)

Vs.

1. S. Jaya
W/o Sivajothi,
2. S. Vasanthi
D/o Sivajothi,
3. S. Karvannan
S/o Sivajothi,

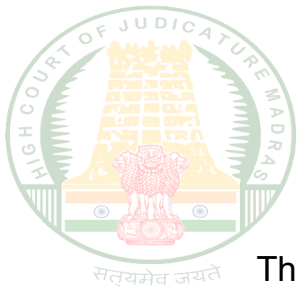
All are residing at No.293,
Mariyamman Koil Street,
New Balakrishnapuram Village,
Govindhacharikuppam Post,
Walaja Taluk,
Ranipet 632 505

..Respondent(s)

Prayer: This Civil Miscellaneous Appeal is filed under Section 23 of the Railways Claims Tribunal Act, 1987, to set aside the order dated 21.03.2025 passed by Railway Claims Tribunal, Chennai in Case No.MA/MAS/03/2025 in OA No.12 of 2024.

For Appellant(s) : Mr.K.K.Muralitharan

For Respondent(s): M/s.S.V.Karthikeyan



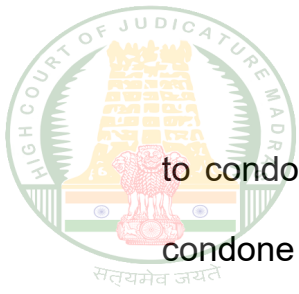
JUDGMENT

This Civil Miscellaneous Appeal is filed against the Order dated 21.03.2025 passed by the Railways Claims Tribunal, Chennai in MA/MAS/03/2025 in O.A.No.12 of 2024.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The legal heirs of one Sivajothi took out Miscellaneous Application for condonation of delay of 2894 days in filing the O.A.No.12 of 2024 under Section 17(2) of the Railways Claims Tribunal Act, 1987.

4. According to the applicants/claimants, on 03.01.2016, the deceased Sivajothi was travelling from Chennai to Sholingur in the general compartment of Express Train No.14085. While alighting at Sholingur Railway Station, Platform No.1, due to the crowd in the train, he slipped from the train and sustained serious injuries. 108 ambulance was called and the medical attendant who examined the injured person declared him dead. It was submitted that the applicants were not aware of claiming compensation from the Railways and that they are coolies. In the first week of October, 2024, in a death ceremony, the 3rd petitioner, who is the son of the deceased, would aver that they do not know that claim petition can be filed for getting compensation for the death of a person in a train accident. Thereafter, application was filed



to condone the delay of 2894 days in filing the claim petition and prayed to condone the delay in filing the claim application.

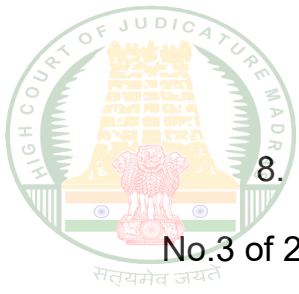
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5. Per contra, counter affidavit has been filed by the respondent / Southern Railways to the effect that the reasons shown in the affidavit in support of the application are not convincing or reasonable and no sufficient cause has been shown to condone such a huge delay.

6. The Railway Claims Tribunal after hearing the arguments advanced on behalf of the both sides and in consideration of the records, held that the cause shown by the 1st petitioner is sufficient cause for the delay caused in filing the claim petition and ordered to condone the delay.

7. The 1st petitioner would urge the following reasons for the delay:

- I. The claimants are coolies.
- ii. At the time of their father death, they did not know that claim petition can be filed for getting compensation for the death of a person in a train accident.
- iii. Due to COVID-19 Pandemic, from March 2020 to February 2022, they had been in quarantine life and stayed in their home.
- iv. In a death ceremony, they came to know that due to train accident and they can file claim application before the Railways Tribunal.



8. Perused the affidavit enclosed with the Miscellaneous Application No.3 of 2025 and the impugned Order as well.

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9. The learned counsel for the appellant would vehemently contend that for the enormous delay, the grounds urged in the affidavit cannot be taken as sufficient cause and the orders passed by the Railways Claims Tribunal is liable to be set aside. To buttress his arguments, he has placed reliance upon the judgment of Hon'ble Apex Court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar*** reported in (2013) 12 SCC 649, the Hon'ble Supreme Court has laid down the following principles while dealing with the application for condonation of delay"

"i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact- situation.

iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.



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viii) *There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.*

ix) *The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.*

x) *If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.*

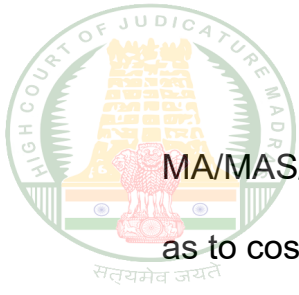
xi) *It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.*

xii) *The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.*

xiii) *The State or a public body or an entity representing a collective cause should be given some acceptable latitude.”*

10. This Court is conscious of the fact that too much technicalities should not come in the way of the dispensation of justice. The reasons given by the claimants for condone the delay in filing the claim petition appears to be justifiable one and reasonable and hence, the Railways Tribunal has considered the details of affidavit and passed an order to condone the delay of 2894 delay in filing the claim petition cannot be found fault with. This Court does not find any infirmity or perversity in the orders of the Railways Tribunal.

11. Based on the aforestated observations and discussions, this Civil Miscellaneous Appeal stands dismissed. Sequel to this, the Order dated 21.03.2025 passed by the Railways Claims Tribunal, Chennai in



MA/MAS/03/2025 in O.A.No.12 of 2024 stands confirmed. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MAC

To

1. The Railway Claims Tribunal, Chennai



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R.KALAIMATHI, J.

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