
Chekka Shantha Kumari Vs Union of India (UOI)

None

Court: Andhra Pradesh High Court

Date of Decision: Dec. 19, 2003

Acts Referred:

Railway Claims Tribunal Act, 1987 " Section 17

Citation: (2006) 1 ACC 514

Hon'ble Judges: M. Narayana Reddy, J

Bench: Single Bench

Judgement

M. Narayana Reddy, J.

This judgment, according to the law, arises out of a civil miscellaneous appeal filed by the sole appellant against

the sole respondent, questioning the validity and legality of the adjudications made by and set forth in para 3, infra.

2. The sole appellant is the sole applicant in I.A. No. 161 of 2001 of the file of Railway Claims Tribunal, Secunderabad Bench, Secunderabad

(Tribunal), and is a private person. The sole respondent in this C.M.A. corresponds to the sole respondent in that I.A. and is the South Central

Railway.

3. Orders dated 2.5.2002 of the said Tribunal made in the said I.A. No. 161 of 2001 of its file, filed before it by the said private person against the

railways under Sub-section (2) of Section 17 of Railway Claims Tribunal Act, 1987, refusing to condone the delay of 2190 days, in filing the claim

application in respect of the death of her deceased son in a train accident on 23.9.1992.

4. Aggrieved thereby and, hence, questioning the same, the private person filed the present C.M.A. as set forth in para 1, supra.

5. Perused the material papers of the record.

6. Arguments were heard of the learned Counsel for the appellant and the learned Railway Advocate for the Railways.

7. The learned Counsel for the private person relied upon Rath Menon Vs. Union of India, , inter alia, as to condonation of delay.

8. The learned Railway Advocate for the Railways relied upon P.K. Ramachandran Vs. State of Kerala and Another, , inter alia, in respect of

condonation of delay, as well as Superintending Engineer, N.S. Canals Circle, Pellur, Ongole and another Vs. Idamkanti Chinna Koti Reddy, and

Pulla Coop. Rural Bank Ltd. v. B. Ram Mohan Rao 1999 (1) APLJ 116 (A) also as to condonation of delay.

9. After perusing the impugned orders, set forth in para 3, supra, vis-a-vis, the grounds of appeal, questioning the same, vis-a-vis, the legal position

postulated in the foregoing rulings, vis-a-vis, the arguments of the learned Counsel for both the parties, I am of the considered opinion, that in the

interests of substantial justice, the delay even though very long should be condoned.

10. It is clear that the applicant who is a private person had been going on or driven from pillar to post, which resulted in so much inordinate delay.

That delay cannot at all be described even remotely as deliberate or wanton or gross negligence and the like, so as to refuse to be condoned. She

is innocent and out of ignorance and illiteracy, the foregoing delay was occasioned.

11. Hence, I am of the opinion that the delay should be condoned, inter alia, in the interest of substantial justice also.

12. She sought to file the claim petition, in respect of the death of her deceased son in a train accident that occurred on 23.9.1992 and hitherto, the

actual claim petition did not make any progress, even by one inch, as it was refused to be registered as barred by limitation, due to the foregoing

delay.

13. Hence, the impugned orders are liable to be set aside and the delay has to be condoned, as is being done hereunder.

14. Hence, the High Court doth hereby adjudicate upon the C.M.A., as under:

(i) Set aside, in toto, the orders set forth in para 3, supra.

(ii) Consequently, allow the I.A. No. 161 of 2001, of the file of the Railway Claims Tribunal, Secunderabad Bench, Secunderabad, condoning the

delay, in toto, as claimed therein; and

(iii) Direct the parties to the C.M.A., to bear their respective costs, incurred herein.