

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

+ **FAO 90/2018**

Date of Decision: 28.04.2023

IN THE MATTER OF:

MAYA

..... Appellant

Through: Mr.N.K.Gupta, Advocate

versus

UNION OF INDIA

..... Respondent

Through: Mr.Krishna Kumar Sharma, Sr.Panel
Counsel with Mr.Pradeep Tiwari,
Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

**CM.APPL No.9231/2018 (delay) & CM.APPL No.9232/2018 (delay in
re-filing)**

1. The present application has been filed under Section 5 of the Limitation Act on behalf of the appellant seeking condonation of delay of 28 days in filing the appeal.
2. Issue notice.
3. Mr.Krishna Kumar Sharma, learned Sr.Panel Counsel for the respondent, accepts notice.
4. Appellant has stated that being married and completely dependent on

her husband who is a poor labourer, she could not take steps to challenge the impugned order on account of financial hardships. It is stated that her family's economical condition is very bad and are living in a state of perpetual penury.

5. In view of the above, the application is allowed and the delay of 28 days in filing the appeal and the delay of 130 days in refiling the appeal is also condoned.

6. The applications are disposed of.

FAO 90/2018

1. The present appeal has been preferred against the order dated 05.07.2016 passed by Railway Claims Tribunal, Principal Bench, Delhi whereby the claim petition was dismissed only on account of delay.

2. Learned counsel for the appellant submits that the appellant/claimant is the married daughter of the deceased. In the application seeking condonation of delay, it was stated that the claimant was poor and illiterate. After the incident, the claimant could visit the police station after three months as she had no means of transport. Further, the GRP did not provide her with the inquest report of her father which added to the delay. The Tribunal, however, instead of considering the claim petition on merits, dismissed the same on account of delay.

3. Learned counsel for the respondent has however, opposed the present appeal.

4. The provisions relating to compensation under the Act which is a piece of beneficial legislation needs to be interpreted liberally. Notably, in Mohsina & Ors. v. Union of India & Ors. reported as **MANU/DE/2465/2017**, delay of 804 days in filing of the appeal was

condoned by a Co-ordinate Bench of this Court considering the poor economic status of the appellants/claimants. In alike facts and circumstances, this Court in Sh. Saddam v. Union of India, reported as **2022 SCC OnLine Del 4647** condoned delay of 685 days in filing of the appeal against the impugned order and remanded the matter back to the Tribunal to determine the amount of compensation and interest to be awarded to the appellant therein. To the similar extent is the view taken in Binda Devi v. Union of India reported as **MANU/DE/4590/2022**.

5. Considering the grounds stated in the application seeking condonation of delay, this Court is of the opinion that the Tribunal ought to have proceeded to decide the claim petition on merits.
6. Accordingly, the impugned order is set aside and the matter is remanded back to the Tribunal to be listed at the first instance on 15.05.2023.
7. Appeal is allowed in the aforesaid terms.
8. A copy of this judgment be forwarded to the Tribunal for information.

(**MANOJ KUMAR OHRI**)
JUDGE

APRIL 28, 2023/v