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

% ***Judgment Reserved on: 15.11.2025***

Judgment pronounced on: 28.11.2025

+ **FAO 39/2021 & CM APPL 3099/2021**

VIRENDER SINGH & ANR.Appellants

Through: Mr. Rajan Sood, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Jivesh Kumar Tiwari, CGSC.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. The present first appeal under Section 23 of the Railway Claims Tribunal Act, 1987 (the RCT Act), has been filed for setting aside the impugned judgment dated 12.09.2017, passed by the Railway Claims Tribunal, Principal Bench, Delhi (the Tribunal), in Case No. OA(IIU) No. DLI/29/2017, whereby the claim of the appellants/applicants was dismissed, holding, *inter alia*, that the deceased was not a *bona fide* passenger of the train.

2. Brief facts of the case are stated as follows:- Deceased, Vikrant, aged about 16 years, boarded the Jan Shatabdi Express,



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being Train No. 12058, on 08.08.2016 after purchasing a valid ticket bearing No. J-56204807 for ₹10/- and bearing excess charges, for travel from Sonapat to Delhi. Due to heavy rush in the train, the deceased was compelled to stand near the door of the compartment. When the train was running near the railway crossing of Holambi Kalan Railway Station, there was a sudden jerk, as a result of which the deceased fell from the running train. He sustained grievous injuries all over his body and died on the spot. The deceased left behind his parents as dependants, who are the appellants/applicants in the present appeal.

2.1. The appellants/applicants filed a claim under Sections 13 (1-A) and 16(1) of the RCT Act, and Section 124-A of the Railways Act, 1989 (the Railways Act), seeking compensation to the tune of ₹8,00,000/- from the respondent/railways on account of the death of their unmarried son in the untoward incident, alleged to have occurred on 08.08.2016.



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2.2. The respondent/railways contested the claim by filing a Written Statement, denying the averments made by the appellants/applicants. The primary defence raised by the respondent was that ticket No. 56204807 recovered from the body of the deceased was an ordinary passenger ticket, which was not valid for travel in Train No. 12058 – Jan Shatabdi Express. The respondent further contended that no excess fare ticket had been recovered from the deceased, thereby contradicting the appellant's/applicants' claim that excess charges were infact paid. On these grounds, the respondent sought dismissal of the claim application.

2.3. The Tribunal, *vide* the impugned Order dated 12.09.2017, dismissed the claim application of the appellants/applicants. Although the Tribunal held that the death of the deceased was a result of deboarding from the train while it was still in motion and it was an untoward incident under Section



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123(c) of the Railways Act, it was however found that the deceased was not a *bona fide* passenger as the ticket was not valid for travel in Jan Shatabdi Express. Aggrieved, the appellants have filed the present appeal.

3. Along with the appeal, the appellants have filed an application under Section 5 of the Limitation Act, 1963 (the Limitation Act), for condonation of delay of 988 days in filing the appeal.

4. The learned counsel for the appellants/applicants submitted that the delay was neither intentional nor deliberate. The appellants/applicants were unable to file the appeal within the stipulated time on account of paucity of funds, inability to obtain timely legal advice, and the time taken in arranging documents necessary for filing the appeal. According to the appellants, these circumstances were *bona fide* and beyond their control.

4.1. It was further submitted that only after arranging the



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necessary funds, the appellants were able to approach their counsel at Delhi, seek legal advice, and collect the requisite documents essential for filing the accompanying appeal before this Court. It was prayed that refusal to condone the delay would result in grave and irreparable loss.

5. On the other hand, the learned counsel for the respondent submitted that the application for condonation of delay is wholly misconceived and not maintainable. It was pointed out that Section 23(3) of the RCT Act prescribes a limitation period of 90 days for filing an appeal before this Court, whereas the present appeal has been filed after an inordinate delay of 988 days.

5.1. It was submitted that the appellants/applicants have failed to explain the delay satisfactorily, let alone on a day-to-day basis. The explanation that funds had to be arranged is stated to be vague, insufficient, and not constituting “sufficient cause” in law. It was further submitted that the appellant has also not disclosed



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the date on which the certified copy of the impugned order was applied for or received. Reliance has been placed on a judgment of this Court in **Leelu & Ors. vs. UOI (WP No. 4724/2010)**.

6. Heard both sides.

7. Section 5 of the Limitation Act empowers this Court to condone delay if the appellant establishes “sufficient cause” for not preferring the appeal within the prescribed time. The expression “sufficient cause” must certainly receive a liberal construction to advance substantial justice. However, such liberality cannot be extended to condone delays arising out of negligence, inaction, or lack of *bona fides*.

8. Paragraph no. 3 of the application for condonation of delay reads thus-

“That the accompanying appeal could not be filed in time before this Hon’ble Court as the certified copy of the impugned order and judgment dated 12.09.2017 was received by the appellant only on _____, the appellants are the poor persons and could not contacted to the counsel for appropriate legal advice for the wants of funds and the appellants after



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arranging the funds approached to the counsel at Delhi and taken the legal advice and arranged the relevant papers required for preferring accompanying appeal before this Hon'ble Court and there has been delay of 988 days in filing the accompanying appeal.”

8.1. As is apparent, the date on which the certified copy was received is left blank. This itself shows the callous and careless manner in which the application has been filed. The application does not even state when the application for a certified copy was made and when it was received.

9. In **P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556**, the Apex Court, while considering an application for condonation of delay of 565 days wherein no explanation, much less a reasonable or satisfactory explanation had been given, held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes, and the Courts have never intended to extend the period of limitation on equitable grounds.



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9.1. Similarly, in **PundlikJalam Patil v. Executive Engineer, Jalgaon, (2008) 17 SCC 448**, the Apex Court observed that Courts cannot inquire into belated and stale claims on the ground of equity. Delay defeats equity. The Courts help those who are vigilant and do not slumber over their rights.

9.2. Further, in **Majji Sannemma v. Reddy Sridevi, (2021) 18 SCC 384**, it was reiterated that the law of limitation has to be applied with all its rigour when the statute so prescribes, and the Courts cannot extend the same on equitable grounds.

9.3. Likewise, in **Basawaraj v. Special Land Acquisition Officer, (2013) 14 SCC 81**, it was observed that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. It was further held that where a party has acted with negligence, lack of bona fides, or inaction, there cannot be any justified ground for condoning the delay, even by imposing conditions.



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10. The appellants have not even broadly accounted for how the delay escalated to 988 days. The cause shown does not constitute “sufficient cause” within the meaning of Section 5 of the Limitation Act.

11. Having considered the rival submissions and the material placed on record, this Court finds that the appeal suffers from a substantial delay of 988 days, that is, nearly three years, which has not been properly explained.

12. For the reasons stated above, I find no merit in the application. Hence, the application for condonation of delay of 988 days in filing the appeal is dismissed.

13. Consequently, the appeal is also dismissed as barred by limitation. Application(s), if any pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

NOVEMBER 28, 2025/er