



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

% Reserved on : 24.02.2026
Pronounced on : 20.03.2026
Uploaded on : 20.03.2026

+ **FAO 312/2022**

RAJARAM & ORS.

.....Appellants

Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 52396/2022

1. By way of present application, the applicant/appellant seeks condonation of delay of 53 days in filing the appeal.
2. Learned counsel for the appellant submits that the appellants were unable to file the appeal within the prescribed period. It is submitted that the delay is *bona fide* and neither intentional nor deliberate. It is further submitted that the appellants belong to an economically weaker section and, due to paucity of funds, were unable to obtain timely legal advice.
3. It is noteworthy that in *Mohsina v. Union of India*¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellants/claimants.

¹ (2017) SCC OnLine Del 10003.



4. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

5. Accordingly, the application is allowed and the delay of 53 days in filing the present appeal is condoned.

6. The application is disposed of in the above terms.

FAO 312/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the order/judgment dated 30.05.2022 passed by the Railway Claims Tribunal, *Delhi* (hereinafter referred to as the “Tribunal”), in Case No. MA/DLI/06/2022 titled as, ‘Rajaram & Ors. vs. Union of India’.

2. *Vide* the aforesaid order, the Tribunal dismissed the claim application along with the application for condonation of delay filed by the claimants/appellants on the ground of limitation without examining it on merits.

3. The brief facts of the case, as stated in the claim application, are that on 11.03.2016, one *Surendra* (hereinafter referred to as the “deceased”) is stated to have undertaken a journey from *Nagariya sadat* to *Bahadurgarh* by a passenger train after purchasing a second-class journey ticket. It is alleged that after boarding the train, when the train had moved from *Nagariya Sadat* Railway Station, the deceased accidentally fell from the moving train, as a result of which he sustained serious injuries and died on the spot.

4. The aforesaid claim application was filed on 20.12.2021 alongwith



the application for condonation of delay of 4 years, 9 months and 12 days (approximately 1747 days).

5. It is relevant to note that despite being served, there has been no appearance on behalf of the respondent on the last few dates. Accordingly, this Court has proceeded to hear the matter in their absence.

6. Learned counsel for the appellants contended that the delay in filing the claim application occurred due to genuine and unavoidable circumstances, which the Tribunal failed to properly consider. It is submitted that the appellants are poor and illiterate persons who had relied on their counsel, and the delay occurred due to death of their counsels and the COVID-19 pandemic.

7. I have heard the learned counsel for the appellant and perused through the record.

8. It is noted that the appellants belong to a financially constrained background. It has been claimed that they had initially engaged a counsel, namely *Sh. Bakshi* (name withheld) practicing at the Civil Court, *Bareilly* district. In December 2018, the appellants came to know that they were misled and the claim application had, in fact, not been filed. The appellants were further told that the claim relating to the railway accident was required to be filed before the appropriate forum at *Lucknow* and not at *Bareilly*. Regrettably, the said counsel later passed away due to a heart attack.

9. Thereafter, the appellants contacted another counsel, namely *Sh. S.K. Singh*, and requested him to prepare and file an appropriate claim application on their behalf. Further, owing to the outbreak of the COVID-19 pandemic and restrictions being imposed, the same could not be filed in time. Unfortunately, the said counsel also passed away in April 2021 due to



COVID-19 pandemic.

10. The Supreme Court in Improvement Trust, Ludhiana v. Ujagar Singh², has held that while considering an Application for condonation of delay no straitjacket formula is prescribed to come to the conclusion if sufficient and good grounds have been made out or not. It has been further stated therein that each case has to be weighed from its facts and the circumstances in which the party acts and behaves.

11. It is further noted that the Tribunal did not advert to Sub-Section (2) of Section 17 the Railway Claims Tribunal Act, 1987, which reads as under:

“17. Limitation:

(2) Notwithstanding anything contained in sub-section (1) an application may be entertained after the period specified in sub-Section (1) if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.”

12. It is relevant to note that the Supreme Court, In Re: Cognizance for extension of limitation in Suo Motu Writ Petition(Civil) No.3 of 2020 (Order dated 10.01.2022), bearing in mind the difficulties faced by the litigants, directed that the period between 15.03.2020 and 28.02.2022 shall stand excluded for the purpose of computing limitation.

13. The High Court for the State of Telangana, in Thati, Tati Krishnaveni v. Union of India³, condoned a delay of 2545 days in filing the claim application, considering the appellants’ illiteracy, medical conditions, and financial hardship.

² (2010) 6 SCC 786

³ 2024 SCC OnLine TS 275



14. The Madras High Court, in the case of *M.Suseela Vs. Union of India*⁴, condoned the delay of 2136 days in filing claim application by observing that refusal to condone the delay should not result in closing the doors of justice to real seekers of justice and that length of time is not criteria but the substance matters and that meritorious case shall not be denied adjudication on account of any technical plea or procedural wrangles.

15. The Andhra Pradesh High Court, in *Chekka Shantha Kumari v. Union of India*⁵, the delay of 2190 days in filing the claim application was condoned. These authorities reiterate the settled principle that where sufficient cause is shown, delay ought to be condoned to advance substantial justice.

16. It is further noted in a decision of this Court, in *Poonam vs. Union of India*⁶, on similar facts and circumstances, condoned a delay of 4 years, 9 months and 29 days in filing the claim application.

17. The Railways Act and the Railway Claims Tribunal Act arise out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

18. In the present case, sufficient cause has been shown. The appellants were pursuing the matter diligently but were unable to take timely steps due to circumstances beyond their control. These include their limited socio-economic and financial resources, the death of their counsels, and the

⁴ 2012 SCC OnLine Mad 2100

⁵ 2003 SCC OnLine AP 1170

⁶ 2024 SCC OnLine Del 5757



disruption caused by the COVID-19 pandemic. In these circumstances, the delay cannot be considered intentional or due to negligence, but rather the result of genuine difficulties faced by the appellants.

19. In view of the judgments cited and the peculiar facts and circumstances of the case, the impugned order is set aside, and the delay of 4 years, 9 months and 12 days (approximately 1747 days) in filing the claim application is condoned. It is clarified that this Court has not expressed any opinion on the merits of the case. The matter is remanded back to the Tribunal for consideration on merits in accordance with law. The matter shall be listed before the Tribunal in the first instance on 02.04.2026.

20. Accordingly, the present appeal is allowed and disposed of in the above terms.

21. A copy of this judgment be communicated to the Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 20, 2026
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