



* **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 317/2022**

BHOJIYA KHATUN & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates
versus

UNION OF INDIARespondent
Through: Mr. Manoj Kumar Tyagi, Senior
Panel Counsel for UOI with Mr.
Shekhar Tyagi, Mr. Kapil Dev and
Ms. Prachi Verma, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the order/judgement dated 02.06.2022 passed by the Railway Claims Tribunal, *Delhi* (hereinafter referred to as the "Tribunal"), in Case No. MA/DLI/37/2022 titled as, '*Bhojiya Khatun & Ors. vs. Union of India*'.
2. *Vide* the aforesaid order, the Tribunal dismissed the application for condonation of delay filed by the claimants/appellants.
3. The brief facts of the case, as stated in the claim application, are that on 06.06.2015, one *Akhtar* (hereinafter referred to as the "deceased") alongwith co-passenger *Rajiya Alam* was travelling from *Bapudham*



Motiyahari to *Anand Vihar* Terminal, *Delhi* by passenger train after purchasing a second class journey ticket. When the train was passing near *Bareilly* Railway Station, the deceased accidentally fell down, as a result of which he sustained grievous injuries and died on the spot.

4. The aforesaid claim application was filed on 21.12.2021 alongwith the application for condonation of delay of 5 years, 06 months and 17 days(approximately 2025 days).

5. 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 being poor, illiterate, and residents of *Nepal*, were unaware of the legal remedies and procedure for seeking compensation in a railway accident case, and the delay also occurred due to counsel's death and the COVID-19 pandemic.

6. *Per Contra*, learned counsel for the respondent submit that the delay is gross, inordinate and wholly unexplained, and the Tribunal rightly refused to condone the same. It is further contended that poverty, counsel's negligence or the COVID-19 pandemic cannot justify delays ranging from over five years.

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

8. It is noted in the year 2017, the appellants were informed of an Advocate, practicing at the Civil Court, *Bareilly*. Thereafter, the appellants approached Mr. *S.K. Singh*, who assured them that he would arrange the necessary certified copies and asked them to return after a few days. Subsequently, in March 2018, the appellants were called to his chamber for



signing the case papers. However, despite repeated follow-ups, including in the year 2020, the appellants were asked not to visit frequently and were assured that they would be informed as and when required. Further, owing to the outbreak of the COVID-19 pandemic and restrictions being imposed, the same could not be filed in time. Regrettably, the said counsel passed away in April 2021 due to COVID-19. Thereafter, the appellants approached another counsel, namely Mr. *Vineet Srivastav* for filing of the claim application and were asked to return after 15 days for signing the papers who ultimately filed the claim application with the said delay.

9. The Supreme Court in *Improvement Trust, Ludhiana v. Ujagar Singh*¹, 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.

10. 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.”

11. 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,

¹ (2010) 6 SCC 786



directed that the period between 15.03.2020 and 28.02.2022 shall stand excluded for the purpose of computing limitation.

12. The High Court for the State of Telangana, in *Thati, Tati Krishnaveni v. Union of India*², condoned a delay of 2545 days in filing the claim application, considering the appellants' illiteracy, medical conditions, and financial hardship.

13. The Madras High Court, in the case of *M.Suseela Vs. Union of India*³ dated 15.06.2012, 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.

14. The Andhra Pradesh High Court, in *Chekka Shantha Kumari v. Union of India*⁴, 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.

15. It is further noted in a decision of this Court, in *Poonam vs. Union of India*⁵, on similar facts and circumstances, condoned a delay of 4 years, 9 months and 29 days in filing the claim application.

16. The Railways Act and the Railway Claims Tribunal Act arise out of beneficial and social welfare legislation intended to provide compensation to

² 2024 SCC OnLine TS 275

³ 2012 SCC OnLine Mad 2100

⁴ 2003 SCC OnLine AP 1170

⁵ 2024 SCC OnLine Del 5757



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.

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

18. 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 5 years, 06 months and 17 days (approximately 2025 days) 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.

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

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

MANOJ KUMAR OHRI
(JUDGE)

MARCH 20, 2026/nb