



\* **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 43/2023**  
BHULAI & ANR. ....Appellants

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

Versus

UNION OF INDIA .....Respondent

Through: Mr. Harsh Kumar, Mr. Shekhar  
Kumar, Ms. Sikha Gogoi, Mr. Junaid  
Khan and Mr. Neel Kumar Sharma,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

**CM APPL. 8679/2023**

1. By way of present application, the applicants/appellants seeks condonation of delay of 370 days in filing the appeal.
2. Learned counsel for the appellants 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. Learned counsel for the respondent, on the other hand, opposes the present application.
4. It is noteworthy that in *Mohsina v. Union of India*<sup>1</sup>, 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.
5. 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 appellants has been able to show sufficient cause for the delay in filing the present appeal.
6. Accordingly, the application is allowed and the delay of 370 days in filing the present appeal is condoned.
7. The application is disposed of in the above terms.

### **FAO 43/2023**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the order/judgment dated 22.11.2021 passed by the Railway Claims, Delhi (hereinafter referred to as the “Tribunal”), in Case No. MA/DLI/242/2021 titled as, ‘*Bhulai & 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 as well as the failure of the applicant to file a reply to the objections filed by the respondent despite opportunity.
3. The brief facts of the case, as stated in the claim application, are that

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<sup>1</sup> (2017) SCC OnLine Del 10003.



on 29.09.2015, one *Deepak* (hereinafter referred to as the “deceased”) is stated to have undertaken a journey from *Bareilly* to *Rudauli* by *Guwahati* Express train after purchasing a second class journey ticket for said journey when the train was passing near *Koli* Junction, he accidentally fell down and sustained serious injuries all over his body and died on the spot.

4. The aforesaid claim application was filed on 02.08.2021 alongwith the application for condonation of delay of 4 years, 10 months and 2 days(approximately 1767 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 are poor and illiterate who were unaware of their legal rights and had relied entirely upon their counsel, whose negligence resulted in non-filing of the claim despite repeated follow-ups. It is further contended that the appellants were under severe financial hardship after the death of their son, who was the sole earning member, and the mother was also unwell for a considerable period, causing further delay. Additionally, the disruption caused by the COVID-19 pandemic contributed to the delay.

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 four years.

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



8. It is noted that the appellants belong to a financially constrained and illiterate background. It has been claimed that they had initially engaged a counsel through his clerk, namely *Mishra* (name withheld), to whom they handed over all relevant documents for filing the claim petition. The appellants made several visits to the said counsel's office between 2016 and 2019 and were repeatedly assured that their case would be filed, however, they were continuously misled and later discovered that no claim petition had in fact been filed. Consequently, they retrieved their documents in October 2019.

9. Thereafter, the appellants engaged another counsel to prepare and file the claim petition. However, due to their severe financial hardship, the illness of the deceased's mother for a considerable period, and the disruption caused by the COVID-19 pandemic along with the restrictions imposed during that time, the claim petition could not be filed within the prescribed period.

10. The Supreme Court in *Improvement Trust, Ludhiana v. Ujagar Singh*<sup>2</sup>, 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:*

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<sup>2</sup> (2010) 6 SCC 786



(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 India<sup>3</sup>, condoned a delay of 2545 days in filing the claim application, considering the appellants’ illiteracy, medical conditions, and financial hardship.

14. The Madras High Court, in the case of M.Suseela Vs. Union of India<sup>4</sup> 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.

15. The Andhra Pradesh High Court, in Chekka Shantha Kumari v. Union of India<sup>5</sup>, 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

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<sup>3</sup> 2024 SCC OnLine TS 275

<sup>4</sup> 2012 SCC OnLine Mad 2100

<sup>5</sup> 2003 SCC OnLine AP 1170



justice.

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

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 and the 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, 10 months and 2 days (approximately 1767 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.

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<sup>6</sup> 2024 SCC OnLine Del 5757



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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/dh**