

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7805/2006

(From the judgement and order dated 29/03/2004 in CMA No.819/1998  
and order dated 12/9/2005 in RP in CMP No. 61282/2004 of the HIGH  
COURT OF A.P. AT HYDERABAD)

U.O.I.

Petitioner(s)

VERSUS

M.V. RUKAMANI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report)

Date: 08/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Mohan Parasaran, ASG

Ms. Varuna Bhandari Gugnani, Adv.

Mr. D.S. Mahra, Adv.

for Mr. B. Krishna Prasad, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

The question which arises for consideration in this case is the interpretation of the term "untoward incident" for the purpose of application of the provisions of Sections 123, 124 & 124A of the Railways Act, 1989. The respondents in this case were paid the compensation of a sum of Rs.2 lakhs towards the death of one Ranganadhan. Learned Additional Solicitor General submits that the High Court, having regard to the importance of the question involved and in particular the fact that a Full Bench of the High Court itself had considered the matter, should have condoned the delay of 150 days in filing the review application. Keeping in view the fact that only a sum of Rs.2 lakhs was directed to be paid, we are of the opinion that it is not a fit case where we should exercise our discretionary jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed. However, we make it clear that the question of law raised by the petitioner shall remain open.

(A.S. BISHT)

(PUSHAP LATA

BHARDWAJ)

COURT MASTER

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