

Railway Claims Tribunal Act, 1987, Section 18(1) – [CPC](#), O. 33 – ‘shall not be bound’ by the procedure laid down by the Code – Section 18(1) only says that the Claims Tribunal ‘shall not be bound’ by the procedure laid down by the Code of Civil Procedure, 1908, but does not go so far as to say that it ‘shall be precluded’ from invoking the provisions laid down by the Code even if the same is not inconsistent with the Act and the Rules – Since the Claims Tribunal is empowered to regulate its own procedure, there is nothing in the Act and the Rules which precludes the invocation of Order 33 of the Code – A view which advances the cause of justice must be preferred to the one which defeats it – We are, therefore, of the opinion that the Tribunal adopted a narrow interpretation of the relevant provisions of the Act in coming to the conclusion that the Act as well as the Rules did not permit invocation of Order 33 of the Code – The view taken by the Tribunal results in a person not having the means to pay the fee prescribed for preferring a claim being left without a remedy – Such a view would result in gross injustice – The Tribunal has the power to lay down its own procedure and as stated earlier Section 18(1) does not preclude it from invoking the provisions of Order 33 of the Code if the ends of justice so require.

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