

GAHC010108932019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/156/2019

UNION OF INDIA
REP. BY THE GENERAL MANAGER N.F.RAILWAY, HAVING ITS HEAD
OFFICE AT MALIGAON, GUWAHATI-11 UNDER P.S. JALUKBARI,
GUWAHATI-781011, DIST.-KAMRUP (M), ASSAM

VERSUS

LAL BHANU
W/O LT. ABDUR RASHID, R/O VILL. GORAIMARI SARANARTHI SIBIR. P.S.
MANIKPUR, DIST.-BONGAIGAON, PIN-783392, ASSAM

Advocate for the Petitioner : MR. B SARMAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

03.04.2024

This is an application filed challenging the order dated 05.03.2019 passed by the Member,(Tech) Railway Claims Tribunal, Guwahati Bench (for short, the

RCT/GB) in Case No. OAllu-103/2017. By the said order, the learned RCT/GB had allowed the amendment application filed by the petitioner/applicant and the applicant/claimant was directed to produce the applicant for evidence on the next date of hearing.

2. This Court has perused the impugned order dated 05.03.2009 passed by the learned RCT/GB and has also heard Dr. BN Gogoi, the learned counsel appearing on behalf of the Union of India, who submitted that by way of the said amendment, the nature and character of the entire claim proceedings have been changed, *inasmuch as*, initially the claim application pertained from Guwahati to New Bongaigaon and now the amendment which has been sought for is from New Bongaigaon to Guwahati. This aspect of the matter touches on the merits of the case and as such, this Court is of the opinion that all such issues can be very well agitated by the petitioner herein before the RCT. Accordingly, this Court is not inclined to interfere with the order dated 05.03.2019.

3. However, this Court grants the liberty to the petitioner to file an additional written statement agitating their stand pursuant to the amendment made to the claim application.

4. Taking into account the above, the instant proceeding, therefore, stands disposed of.

5. The LCR which has been received by the Registry shall be returned to the

learned RCT forthwith.

JUDGE

Comparing Assistant