

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.340 of 2013

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Satya Narayan Sharma, S/O Late Ramyatan Mishri, Resident of Village-Dehuni, P.S- Ghoshi, District- Jehanaba.

.... Appellant/s

Versus

The Union of India through the General Manager, Eastern Railway, Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anant Nath Mishra, Advocate

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL ORDER

12 05-01-2015

This is an Appeal preferred against refusal of compensation vide order dated 15th February 2013 passed by the Railway Claims Tribunal, Patna Bench in Claim Application No. 0A 00208/2002.

The claimant appellant has come out with a case that deceased Ramyatan Mistry was traveling from Biharsharif to Patna through Rajgir – Danapur passenger train having a valid ticket bearing Ticket No. 95076 on 13th August 2001 but near Rajendra Nagar Railway Station he could fell down suffered severe injuries on legs and was rushed to the hospital from where further referred to PMCH where few days after the accident died. With the claimant's application Xerox copy of the said ticket was filed. At the index showing description of documents attached indicates filing of Xerox copy of the First Information Report besides inquest report and copy of ticket but, admittedly, copy of First Information Report was never filed likewise in column 8 of the application there is reference of filing true copy of the post-mortem report along with medical certificate contained details of

injury sustained to the deceased but the same is also not filed.

The claimant appellant examined himself as the solitary witness and he is also the informant and got his fardbeyan recorded but only after death of his father i.e. 3 days after the alleged occurrence and contents of fardbeyan indicates that he is not an eye witness and competent to state about purchasing of ticket traveling through train at the relevant place. Rather on receiving information through some unknown person he arrived at Ashadeep Nurshing Home where found his father being treated.

In the said fardbeyan likewise inquest report prepared there is no reference about the original ticket said to have been available with the deceased at any point of time. The solitary witness in para 15 of the affidavit has stated about recovery of valid ticket from possession of his father (deceased) but for no reason explained no such original ticket is produced at any point of time. That apart there is no witness examined to show about purchasing of ticket or traveling of the deceased through particular train or even his falling down or rushing to hospital.

In absence of all such relevant facts and materials, there appears no reason to interfere with the findings arrived at by the Railway Claims Tribunal, Patna Bench in Claim Application No. 0A 00208/2002 vide order dated 13th August 2002. Hence, finding this Appeal devoid of any merit is hereby dismissed.

(Akhilesh Chandra, J)

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