

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.587 of 2012

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Gopal Sah, son of late Jamun Sah resident of Village- Koha Toli, Police Station- Nath Nagar, District- Bhagalpur.

.... Appellant/s

Versus

1. The Union of India through the General Manager, East Railway, Kolkata.
2. The General Manager, Eastern Railway, Kolkata (respondent in the Railway Claim Tribunal)

.... Respondent

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Appearance :

For the Appellant/s : Mr. Nagendra pd. Yadav, Advocate
Mr. Vijay Laxmi Srivastava, Advocate

For the Respondent/s : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 16-01-2015

Heard the parties.

2. This is an Appeal preferred against order dated 30.06.2009 passed in Claim Case No. 00150/1999 by Railway Claims Tribunal, Patna Bench, Patna (hereinafter referred as to the "Tribunal").

3. This is an unfortunate case wherein some compensation was sought by son of deceased Siya Devi aged about 65 years said to have lost her life by running over the train on her at Nathnagar railway station.

4. The claimant appellant has come out with a case that she was a bonafide passenger from Nathnagar to Bhagalpur in connection of her business but suddenly due to the train started

motion without notice she fell down and died in spite of fact that it is the statement contrary to the contents made for institution of UD case. That apart, the claimant though has filed statement-in-chief on affidavit of three witnesses including himself but on every date fixed for the needful none turned up on behalf of the claimant appellant compelling the Tribunal to examine the materials and rejecting the claim.

5. The claimant appellant took no step before the Tribunal below explaining the causes behind the absence and even in the present Appeal neither in the Memo of Appeal nor in any separate application there is any whisper even regarding their absence/non-production for cross-examination etc.

6. In view of the above, finding no merit in this Appeal, it is hereby dismissed.

(Akhilesh Chandra, J)

Ashwini/-

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