

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.601 of 2012

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Anil Pandey, Son of late Jagdish Pandey, resident of Village-Samabad, P.S.-Rahui,
District-Nalanda.

.... Appellant

Versus

The Union of India through the General Manager, Eastern Railway, Kolkata, now
East Central Railway, Hazipur.

.... Respondent

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Appearance :

For the Appellant : Mr. Nityanand Mishra, Advocate
Mr. Balmeeki Pandey Bhasker, Advocate
For the Respondent : Mr. Bindhyachal Singh, Advocate
Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 09-02-2015

This file is brought under the heading “**For
Hearing Under Order XLI Rule 11 CPC**”.

Re. Interlocutory Application No. 7123 of 2014

The delay in filing of this appeal is hereby
condoned. Accordingly, Interlocutory Application No.
7123 of 2014 stands disposed of.

Re. Misc. Appeal No. 601 of 2012

1. Heard the parties.
2. This appeal has been preferred against the

order dated 23rd February, 2012 passed by Hon'ble Member (Technical), Shri J.D. Goswami/RCT/Patna Bench in Claim Application No. OA 000206 of 2001, wherein, the Railway Claims Tribunal Below refused the claim of compensation put forward by the claimant-appellant against death of his wife, who allegedly was a victim of untoward incident taking place on 18th August, 2001 while making an attempt to board in a train.

3. This is undisputed that at the relevant time the victim had no railway ticket rather her husband, the claimant-appellant, had gone ahead and also said to have purchased tickets from subsequent station, but she died before she could arrived there.

4. Taking into consideration the undisputed fact that the deceased was not a bona fide passenger (ticket less), there appears no reason for differing with the findings of the Claim Tribunal Below. Accordingly, finding no merit, this appeal is hereby dismissed.

(Akhilesh Chandra, J)

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