

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.868 of 2011

1. BABI DEVI, W/O LATE RAMESH PANDIT, R/O VILLAGE- BAS KE TALL (KHUSRUPUR), P.S.- KHUSRUPUR, DISTRICT-PATNA

.... Appellant/s

Versus

1. UNION OF INDIA THROUGH THE GENERAL MANAGER, EASTERN RAILWAY, KOLKATA

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Kumar with
Mr. Sudhir Kumar-Advocates
For the Respondent/s : Mr. Mahesh Prasad-Advocate
For the Railway : Mr. Anil Singh--Advocate

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL JUDGMENT

Date: 21-12-2015

Heard learned counsel for the appellant as well as learned counsel for the respondent (Union of India through the General Manager, Eastern Railway, Kolkata).

Instant appeal has been preferred by the appellant/ applicant against an order dated 29.07.2011 passed by Railway Claim Tribunal, Patna Bench in connection with Claim Application No.0A 00010 of 2002 rejecting the claim petition with cost.

Learned counsel for the respondent has submitted that there happens to be cutting at several places in the inquest report on account of which, learned Tribunal had formed an opinion under Para-18 as well as had also drew an adverse inference as is evident from Para-19. It has also been submitted that there happens to be plethora of judicial pronouncement rendered by this Court directing the Tribunal to call for the original, get the witnesses examined, in case, there happens to be cutting apparent from copy annexed with the petition as per

requirement putting doubt over its genuineness as claiming death of deceased who happens to be husband of appellant/ applicant in untoward incident as he fallen while travelling in a train (Patna-Kiul Gaya Passenger) on 08.12.2001, under valid ticket near Budhdeo Chak Yadav Halt, a claim petition has been filed. Neither original copy nor certified copy are necessary to be annexed with the original claim petition. Therefore, it is fit case wherein the matter should be remitted on that very score, after setting aside the order impugned.

Learned counsel for the appellant opposed, but fairly concedes that the learned Tribunal had doubted over genuineness of inquest report and discussed the petition though opposite party/ respondent conduct was irresponsible.

Consequent thereupon, the order impugned is set aside. Petition is allowed. The matter is remitted back to the learned Tribunal to decide the issue afresh in accordance with law.

(Aditya Kumar Trivedi, J)

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