

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.132 of 2013

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Smt. Usha Devi W/O Late Ajay Dom R/O Mohalla - Mogalbazar,
P.S. Kotwali, District - Munger (Bihar)

.... 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. Pravin Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL JUDGMENT

Date: 10-02-2015

Heard learned counsel for the parties.

2. This is an appeal preferred against judgment and order dated 29.11.2012 passed by Member (Technical) Railway Claim Tribunal, Patna Bench, Patna, in Claim Application No. OA 000202/2002.

3. The Claim Tribunal has on consideration of the materials available finding the documents produced on behalf of the claimant appellant suffered with fraudulent insertion, deletion etc. refused the claim put forward seeking compensation against death of one Ajay Dom, said to have been traveling from Munger to Jamalpur, after having valid ticket suffered injuries on 9th December, 2001, and during treatment, died on 13th

December, 2001.

4. The claimant appellant herself came forward with the claim application, though, at part 1 of the application, she has disclosed names of Rajendra Dom @ Tijan Mallik, Vikram Dom, Bina Kumari and Madhu Kumari have sons and daughters of the deceased, though, they have not joined as applicant, but, there is no concealment on the part of the applicant about the fact that they are also the beneficiaries, but at the same time, in her examination in chief, on affidavit para – 4, she has deleted name of one of the daughter Madhu Kumari for which no explanation is offered or reason is assigned. That part in the appeal, none of such heirs of deceased Ajay Dom have joined either as appellant or impleaded as respondent. This alone makes this appeal defective, hence, not sustainable.

5. Reliance has been placed upon by learned counsel for the appellant on unreported decision by a Bench of this Court in case of **Sunita Devi @ Anita Devi Vs. Union of India bearing M.A. No. 59/2013**; which appears not applicable in the present facts and circumstances.

6. Besides this the addition and deletion etc. as pointed out by the Claim Tribunal below on various documents filed without any attestation by the counsel



representing appears substantiated. There is nothing to disbelieve the findings arrived at by the Claim Tribunal. Hence, there appears no merit in this appeal, consequently, it is hereby dismissed.

Rajeev/-

(Akhilesh Chandra, J.)

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