

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.659 of 2009

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Bablu Mallik, son of late Anandi Mallik, resident at Lakshmi Cinema Road,
Khagaria, P.S.- & Distt-Khagaria (Bihar).

.... Appellant

Versus

Union of India through the General Manager, North East Railway, Gorakhpur

.... Respondent

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Appearance :

For the Appellant/s : Mr. Pravin Kumar Gupta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 13-01-2015

Heard.

2. This is an Appeal preferred against order dated 28.07.2009 passed by the Railway Claims Tribunal, Patna Bench (hereinafter referred to as the “Tribunal”), in Claim Application No. 0A00217/1998.

3. During course of argument, it is pointed out that the application in the year 1998 was preferred alone by the appellant claimant concealing existence of other heirs of the deceased. However, on 6th August 2008, the application was filed seeking permission to implead three sons and daughter of the deceased as party to the proceeding which was allowed on 24th September 2008. But for the reasons best known to the claimant appellant neither before the court below he proceeded further to

observe the order nor care to implead them either as co-appellant or respondents in the present Appeal and even there is no whisper about them in spite of specific statement made by the Tribunal below in paragraph 12 of the judgment aforesaid. Such conduct of the appellant is evident of his not proceeding with the claim. Hence, the appellant is not entitled for any benefit.

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

(Akhilesh Chandra, J)

Ashwini/-

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