

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.142 of 2013

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1. Shri Shyam Sundar Pal S/O Late Phanibhushan Pal R/O Village -
Raghab Nagar Boliya, P.S. Manihari, District - Katihar (Bihar)

.... Appellant/s

Versus

1. The Union Of India Through The General Manager, Eastern Railway,
Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

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

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 09-10-2015

No one appears for the appellant.

In the present case, the appellant is challenging the order dated 23rd February 2012 and also filed a petition for condonation of delay of 246 days.

It appears from the order that the court below has accepted the claim of the claimant and directed the Railway Administration to pay Rs.4,00,000/- along with 6 per cent interest and the money has been distributed.

Counsel for the respondent submits that there is no occasion for the appellant to challenge the award when the Tribunal itself has granted relief along with interest so much so the appellant has already received the amount. There is delay of 240 days which has not been explained by the appellant and, as

such, this is not a proper case this Court should exercise power and grant relief.

From the order it shows that the Tribunal has accepted the plea of death of the victim and also found that it was a case of bona fide accident directed for the compensation amount so much so that in the limitation petition explanation has not been given explaining the delay.

In such view of the mater, this Court does not find any material in the present appeal. Accordingly it is dismissed.

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(Shivaji Pandey, J)