

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.658 of 2013

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Jageshwari Devi, Wife of Late Siwan Paswan, resident of Village+P.O.+P.S.-
Belchhi, District-Patna.

.....Applicant-Appellant

Versus

The Union of India through the General Manager, East Central Railway, Hajipur.

.....Respondent-Respondent

=====

Appearance :

For the Appellant/s : Mr. Harendra Pandey, Advocate

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 10-02-2015

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

2. Heard the parties.

3. This is an appeal preferred against the judgment and order dated 8th August, 2013 passed by Dr. B. Roy, learned Member (Technical), Railway Claim Tribunal, Patna Bench, Patna in Claim Application No.-OA 00180 of 2003.

4. The lady appellant, namely, Jageshwari Devi, has preferred this appeal against death of her husband said to have taken place on 20th February, 2003 while the deceased

making an attempt to board in a train, bearing no. 543 UP, going to Patna.

5. The two witnesses examined in the case are not the eye-witnesses but based their statements on alleged information received from one Piariya Devi, who too has not been examined on the ground that subsequently she also died, but there is nothing to support such assertion regarding her death. That apart, the inquest report, Exhibit-A/5, does not indicate any circumstances leading towards conclusion about loss of railway ticket, if at all purchased.

6. Apart from the above, the claimant-appellant though has disclosed in the application that deceased left behind a son also, who is informant in the criminal case instituted on getting information about the death of the deceased but he has not joined the appellant either as co-appellant or respondent.

7. All the facts and circumstances indicated above makes this appeal without any merit. Accordingly, the appeal stands dismissed.

(Akhilesh Chandra, J)

Praveen-II/-

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