

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.526 of 2014

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1. Shah Jahan Begam Wife of Late Kalimuddin Rayan Resident of Village
- Chousa, P.S.- Muffasil, District - Buxar (Bihar)....
Appellant/s

Versus

1. The Union of India Through, the General Manager, East Central
Railway, Hajipur
..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anant Kumar-1
For the Respondent/s : Mr. Mahesh Prasad
For Railways: : Mr. Siddhartha Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-07-2017 This appeal is directed that the judgment dated 10.05.2013 and judgment and award dated 10.05.2013 passed in Claim Application No.OA 00312/2003 by the Hon'ble Member (Technical), Railway Tribunal, Patna Bench. The ground for the appeal is that the learned Member has not considered the evidence available on record and passed the order fallen on the deceased that it is the case of run over to show that the case is fallen from the train and as such, he has rejected, the claim of the appellant.

Learned counsel for the appellant has submitted that it is not so that that in the case run over appellant is not entitled to the claim either the railway to prove that run over was due to the negligence of the appellant. No such evidence has been adduced on behalf of the Railway nor anything is available on record, as such he is entitled for the same.



Learned counsel for the Railway has submitted that applicant is not entitled for the claim. There is no evidence available on the record to show that while traveling, he has fallen from the train. In fact, run over cases are similar to those, where irresponsible road vehicle drivers, cause avoidable tragedies, by crossing the unmanned level crossing in a hurry, in face of an approaching train, in violation of provisions of Motor Vehicle Act.

Heard both sides.

The record of the learned Lower Court is available on the record and from the evidence it does not appear that there is any evidence to show that he has fallen from the same. As the witness produced on behalf of the appellant, is not an eyewitness to the occurrence and there is no material substantiating case of appellant. Documents exhibited does not satisfy the case of appellant.

In view of the above discussions made above, I find no merit in this appeal. Hence, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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