

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 369 of 2014

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

.... Appellant

Versus

Poonam Kumari, D/o Late Sakhi Chandra Paswan, resident of Village-
Dhibar Chak, P.S. Pandarak, P.O. Chak Nawada, District Patna.

.... Respondent

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Appearance :

For the Appellant : Mr. Anil Kumar Sinha, Adv.
Mr. Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

- 7 20-07-2017 1. Heard learned counsel for the appellant on I.A. No. 6133 of 2016 as well as on the point of admission.
2. I.A. No. 6133 of 2016 has been filed for condonation of delay as the present appeal has not been filed within the prescribed period of limitation.
3. The present appeal has been filed by the Union of India against the order dated 21.05.2013 passed by Railway Claims Tribunal, Patna Bench, Patna in Case No. O.A. 00054 of 2003 by which the Railway Claim Tribunal awarded Rs. 1,60,000/- as compensation in favour of the respondent and directed the authorities to make payment of the aforesaid amount to respondent in the manner as mentioned in the impugned judgment.
4. Learned counsel appearing for the appellant



challenged the impugned judgment on the ground that the Tribunal passed the impugned judgment without taking any evidence and as a matter of fact, the findings of the Tribunal are not based on legal propositions rather the Tribunal passed the judgment on sentimental grounds. He further submits that respondent did not produce any railway ticket to show that she was bona fide passenger nor any entry in respect of so called accident was found in the documents of the Railway and, therefore, the impugned order suffers with virus of illegality and, therefore, the impugned judgment should be set aside.

5. Having heard the aforesaid contention of learned counsel for the appellant, I went through the record. I find that respondent, namely, Poonam Kumari filed claim application under Section 125 of Railways Act, 1989 claiming compensation of rupees two lacs for the injuries sustained by her in an untoward incident of 22.02.2002. She claimed that she was travelling from Delhi to Barh railway station by train as bona fide passenger but in course of her journey, she accidentally fell down from the train and sustained severe injuries as a result whereof her right leg was amputated. The appellant contested the aforesaid claim case on the ground that no entry at Barh Railway station was found in respect of the aforesaid incident and the claimant failed to specify the



name of train by which she was travelling on the alleged date of so called occurrence. The Tribunal framed altogether four issues but it is an admitted position that no witness was examined on behalf of the respondent but the Tribunal having perused the materials available on the record came to conclusion that the respondent sustained injury in railway accident and accordingly, the Tribunal ordered for grant of compensation of Rs. 1,60,000/- to the claimant.

6. It would further appear from perusal of the impugned judgment that respondent had filed photocopies of memo of GRP addressed to Medical Officer, Barh, injury report and ferdbeyan of one Deepak Paswan, who happened to be brother of the respondent and having relied upon the aforesaid documents the tribunal passed the impugned judgment.

7. No doubt, no oral evidence was adduced on behalf of the complainant and the Tribunal based his finding on the basis of photostat copies submitted before the Tribunal along with claim petition but in Railways Act, 1989, only an enquiry of claim of a person is required and in the aforesaid enquiry, it is not necessary for a claimant to prove his case as a regular suit and, therefore, it is not necessary to strictly follow the provisions of Evidence Act in Railway Claim cases.



8. The impugned judgment goes to show that learned Tribunal has properly discussed the materials available before him and after that came to conclusion and directed the appellant to give compensation to the respondent.

9. Therefore, I do not find any ground to interfere into the impugned judgment. Accordingly, this miscellaneous appeal along with I.A. No. 6133 of 2016 stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

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