

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.950 of 2016

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Puspa Devi @ Pushpa Devi, wife of Late Sanjay Bhandari, resident of Village-Kharba, P.S.-Palojori, District-Deoghar

.... Appellant/s

Versus

The Union of India through the General Manager, Northern Railway, New Delhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vivekanand Vivek, Adv

For the Railways : Mr. Kalyan Shankar, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-07-2017

This is an appeal filed by the claimant challenging the order dated 04.04.2016 passed by the Railway Claims Tribunal, Patna Bench in O.A. No. 00401 of 2015, wherein the claim petition has been dismissed for want of prosecution.

Learned counsel for the appellant points out that for non-appearance of the counsel, the application has been rejected.

Learned counsel appearing for the respondent Railway, on instruction raised an objection to show that the accident in question, in fact is not a rail accident, therefore, the claim petition itself was not maintainable as the claim filed was a false one without there being any accident.

Be that as it may be, the facts remain that the claim petition of the appellant has not been dismissed on merit and the objection raised by the learned counsel appearing for the railway administration can be raised before the Tribunal and it is for the



Tribunal to consider this aspect of the matter. For the present, in this appeal, this question need not be gone into.

Considering the fact that appellant could not appear on account of want of conformation about the date, hence, as a matter of last indulgence and to grant one more opportunity to the claimant, this appeal is allowed. The order dated 04.04.2016 passed by the Railway Claims Tribunal, Patna in O.A. No. 00401 of 2015 is quashed. The appellant is directed to appear along with her counsel or representative before the Tribunal on 2nd of August, 2017 and thereafter the Tribunal to proceed to decide the issue, in accordance with law. The objections raised by the counsel representing the railway administration are left open to be considered by the Tribunal.

If the claimant or her counsel did not appear on 2nd of August, 2017, the Tribunal is free to proceed the matter, in accordance with law.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/07/2017
Transmission Date	NA

