

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 4800 of 2008 (O&M)
Date of decision: 12.11.2018

Naresh Kumar and another

.....*Appellants*

versus

Union of India

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Somesh Gupta, Advocate
for the appellants

Mr. Jagdish Marwaha, Advocate
for respondent Union of India

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against order dated 07.04.2008 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (hereinafter to be referred as 'the Tribunal') whereby application for grant of compensation in regard to death of Satpal Arora in the alleged untoward incident *enroute* Tapa Mandi to Malout has been dismissed by the Tribunal.

Records of the case have burnt in a fire incident. The documents available are not clearly legible.

Counsel for the parties are *ad idem* that the impugned order may be set aside and matter be remitted to the Tribunal for decision of the case afresh on the basis of materials already on record, additional evidence, if any, to be adduced by the claimants and evidence in rebuttal, to be led by the respondent - Union of India.

Counsel for the appellants would pray that the respondent may be directed to place on record DRM report before the Tribunal but counsel for Union of India would state that no DRM report was prepared in this case, as has been noticed in the impugned order.

In view of the above, the appeal stands disposed of. The impugned order is set aside and the matter is remitted to the Tribunal for decision afresh on the basis of materials already on record and additional evidence to be adduced by the claimants and evidence in rebuttal, if any, to be adduced by the respondent.

Parties through their counsel are directed to appear before the Tribunal on 07.12.2018. The Tribunal is directed to dispose of the case within a period of four months from the parties putting in appearance.

(Rekha Mittal)
Judge

12.11.2018
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