

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.664 of 2016

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Dahiya Devi wife of Late Radhika Dom, resident of Village- Kanpur, P.S.-
Rohini, District- Deoghar Jharkhand.

... .. Appellant in Tribunal ... Appellant
Versus

The Union Of India Through The General Manager Eastern Railway, Kolkata

... .. Respondent in Tribunal ... Respondent

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Appearance :

For the Appellant/s : Mr. Anant Kumar-1, Advocate
For the Respondent/s : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 03-07-2019

Heard.

This miscellaneous appeal has been filed for setting aside the order dated 7.2.2014 passed in Claim Application No. OA 00009/2003 passed by Railways Claims Tribunal, Patna Bench by which the claim application of claimant / appellant has been rejected.

The appellant who is widow of the deceased in her claim application had stated that on 16.09.2002, her husband was going Madhepur from Deoghar by Train No.82 D. MEMU, however, due to rush and jostling, he fell down near Rohini Halt and died.

U.D. Case No.19/2002 dated 19.09.02 was registered on basis of report received from station master in which it was stated that information has been received as reported by gang



man that one unknown male person is lying besides the down track and appears to be dead. In the F.I.R. also, it has been stated that deceased died in an accident from a running train. The inquest of the dead body was done on 16.09.2002 at 4 p.m. in which also it was opined that death appears to be from a running train. Postmortem report also attributes death as run over by the train. In the final report also, statement of son of the deceased was recorded by the Investigating Officer in which he has stated that deceased had gone to Madhupur to bring bamboo and, thereafter, he was run over by the train. The claimant never appeared before the Tribunal to depose and only documentary evidence which were enclosed with the claim petition were considered by the Tribunal and on appreciation of the said documentary evidence, the Tribunal found that the deceased did not die in an untoward accident and it was a case of run over by the train. Even no ticket was recovered from possession of deceased and dismissed the claim petition.

After going through the Lower Court Records and considering the evidences and order passed by the Tribunal, this Court does not find any error or illegality or wrong appreciation or non-consideration of any materials by the Tribunal, as such, this court is not inclined to interfere in the order passed by the



Tribunal and, accordingly, this miscellaneous appeal is dismissed.

Let the LCR be returned forthwith to the court below.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2019
Transmission Date	NA

