

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.666 of 2016

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Arvind Kumar, Son of Sri Vidya Sagar Singh, resident of Village/Mohalla-Shital Patti, P.S. Chiraiya, District- East Champaran (Motihari).

... .. Appellant/s

Versus

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, Adv.
For the Respondent/s : Ms. Kalpana, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 03-07-2019

Heard the parties.

2. This appeal has been filed for setting aside the judgment and order dated 22.04.2015 passed in Claim Application No. OA 00235/2006 passed by learned Member (Technical), Railway Claims Tribunal, Patna Bench by which the claim application of appellant was dismissed by the Railways Claims Tribunal.

3. Claimant/appellant Arvind Kumar has filed claim application for grant of compensation for injury sustained on 05.06.2006 in an untoward incident. Claimant has stated in his claim application that on 05.06.2006 after purchasing second class ticket at Motihari Railway Station for Hajipur Junction he boarded Raxaul Hajipur Intercity Express but due to heavy rush



and jostling of passengers he fell down near Hajipur Junction from the running train and got injured and his left leg below the knee was amputated. He was taken to Sadar Hospital, Hajipur from where he was referred to PMCH.

4. Written statement has been filed on behalf of Railways in which they have denied claim of appellant and have stated that appellant was not a bonafide passenger.

5. On the basis of pleadings of parties, the claims tribunal framed three issues for its determination.

6. In support of his claim case injured Arvind Kumar appeared and deposed before the claims tribunal where he was cross examined by the other side. In support of his claim case appellant produced four documentary evidences which have been marked as Exhibit-A1 to Exhibit A4. No evidence was led on behalf of railways.

7. Claimant/appellant Arvind Kumar in his examination-in-chief in form of affidavit has supported his claim case. In his cross-examination, he has admitted that he did not inform G.R.P., Hajipur or railway officials about the incident. He was initially treated at Sadar Hospital, Hajipur and his statement was recorded by the police for the first time on 28.06.2006. Fardbeyan of claimant was recorded by the police on



28.06.2006 in PMCH, Patna by the S.I. of Pirbahore Police Station which has been marked as Exhibit- A1 by the Tribunal in which he has stated that he sustained injury in the incident. Exhibit-A2 is the treatment chart and Exhibit-A3 is the disability certificate. It was argued on behalf of railways that although claimant had deposed before the tribunal but he has not produced any document in support of his claim that he sustained injury in an untoward incident. He has not produced any document issued by Hajipur Sadar Hospital or discharge ticket issued by Patna Medical College Hospital in order to establish that he suffered injury in an untoward incident.

8. The tribunal has observed that claimant has not supported his claim case by relevant documents such as memo of station master, G.R.P. Memo, treatment in Hajipur Sadar Hospital and discharge ticket of Patna Medical College Hospital. Claimant has not produced even the rail ticket.

9. The tribunal has held that appellant has failed to establish of sustaining injury in an untoward incident arising out of railway accident and as such has dismissed the claim of appellant.

10. This Court does not find any infirmity or error in the order passed by the claim tribunal and accordingly the



present appeal filed on behalf of appellant is dismissed.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.08.2019
Transmission Date	N.A.

