

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.517 of 2016

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Rajamani Devi Wife of Late Nagendra Kumar Singh resident of village/
Mohalla - Dedor P.S. Bakhtiyarpur, District – Patna.

... .. 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 : Mr. Bijoy Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 26-08-2019

Heard the parties.

2. This appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 by the claimant/appellant against the judgment and order dated 20.06.2014 passed in Claim Application No. OA 00107/2007 passed by learned Member (Technical) Railway claims Tribunal, Patna Bench by which the learned Tribunal has summarily dismissed the claim case of claimant.

3. Claimant/appellant has filed a claim case for grant of compensation of Rs. 4 lacs on account of death of her husband in an untoward incident.

4. It was stated in the claim application that on 10.05.2007 after purchasing a second class train ticket from



Bakhtiyarpur to Biharsharif the husband of claimant Nagendra Kumar Sinha boarded train No. 5110 Dn. (Sarnath Express) at Bakhtiyarpur Railway Station for going to Biharsharif. However, due to heavy rush in compartment and sudden jerk of train he could not maintain his balance and accidentally fell down from moving train in which both of his legs got amputated and he sustained other grievous injury also and was carried to railway station, Bakhtiyarpur where he succumbed to his injuries.

5. From the record, it appears that the claim application was accompanied with documentary evidence which included fardbeyan, photocopy of Inquest report, postmortem report, final report and out patient record,

6. The respondent railways has filed their written statement and even although the issues were framed by the tribunal, however, the claim case was summarily rejected on the ground that on 17.01.2014 and 20.06.2014 claimant was directed to file the certified or attested copy of the documents but same was not filed.

7. It has been further stated in the order that claimant also failed to file list of family members/dependents. Certificate with respect to her own identity, accordingly, the case was



summarily rejected under Rule 16 of the Claims Tribunal Rules.

8. After hearing the parties and considering the evidence on record and taking a sympathetic view that the husband of the claimant died in a rail accident as claimed by her and in support of which several documentary evidence were also enclosed, the claim case ought to have not been dismissed summarily by the claims Tribunal, as such, the order dated 20.06.2014 passed by the claims Tribunal is set aside and the matter is remanded to the claims tribunal to hear the claim case of claimant/appellant afresh after giving her opportunity of being examined before the tribunal alongwith other witnesses and after providing opportunity to the respondent Railways, Tribunal shall decide the claim case of appellant within six months from the date of production/receipt of a copy of order passed by this Court.

9. The miscellaneous appeal stands allowed.

10. Let LCR be returned to the court concerned forthwith.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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