

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 303 of 2011

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Rajendra Prasad, son of Late Sahay Prasad, resident of village- Kinjar, Police Station – Kinjar, District- Jehanabad.

... .. Appellant/s

Versus

The Union of India through the General Manager, Easter Railway Kolkata.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Adv.
		Mr. Ananat Kuamr, Adv.
For the Respondent/s	:	Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 14-05-2019

Heard the parties.

2. This miscellaneous appeal has been filed for setting aside the judgment and order dated 20.01.2011 passed in Claim Case No. 0A000114/2001 by Railway Claims Tribunal Patna Bench dismissing the claim case of claimant/appellant.

3. Briefly stated the case of claimant/appellant is that his deceased wife was going to Patna from Jehanabad on 06.06.2001 after purchasing a railway ticket and she was waiting for train at Jehanabad railway station and as she was boarding train no. 596 dn. due to heavy rush and jostling she fell down and was crushed by the wheels of moving train and



got seriously injured and was brought to Sadar hospital, Jehanabad by railway police as unidentified lady but she could not be saved. U.D. Case No. 14/2001 was registered at Railway Police Station Jehanabad and after investigation a report was submitted that deceased died in railway accident. Inquest report dated 07.06.2001 and postmortem report on 07.06.2001 was prepared at Sadar Hospital, Jehanabad.

4. Claim Case was filed by the husband and her three sons seeking compensation before the Railway Claims Tribunal Patna Bench. In claim petition, claimant/appellant has stated that the train ticket was recovered from the bag of his deceased wife by the police and same was produced before the Tribunal.

5. Written statement was filed on behalf of respondent/railways in which specific assertion was made that ticket as produced by the claimant/appellant was sold on 07.06.2001 from Jehanabad railway station which is of subsequent date of accident as such claimant has not approached Railway Claims Tribunal with clean hand and honest conscience.

6. On the basis of pleading of parties four issues were framed by the Tribunal. Claimant has been examined as



witness no.1 and in support of his Claim Case he has produced 12 documents which have been marked as Exhibits by the Tribunal. Affidavit of claimant is Exhibit- A1, Memo - Exhibit- A2, Application of Dhananjay Singh - Exhibit- A3, Final Report - Exhibit- A4, Inquest Report - Exhibit- A5, Postmortem Report - Exhibit- A6, Supervision Report - Exhibit- A7, Photocopy of Ticket No. 48827- Exhibit - A8, News Report- Exhibit- A9, Identity Card of Rajendra Prasad- Exhibit- A10, Identity Card of Hemanti Devi - Exhibit- A11, and Dependent Certificate – Exhibit- A12.

7. Defendant/railways have produced 2 documents, Inquiry report is R-1 and photocopy of Railway Ticket is R-2. Claims Tribunal has disbelieved the claim case of appellant with respect to purchase of ticket No. 48827 by the deceased as in the inquiry conducted by the railways ticket has been found to be purchased on the next day of the accident from Jehanabad railway station as such, the very foundation of claim case that deceased was travelling after purchasing a valid train ticket is belied and as such has been disbelieved by the Tribunal. In his claim petition appellant has stated that ticket which was produced before the Tribunal same was recovered by the police from the bag of his deceased wife and



same was handed over to him by the police. However, in his cross-examination he has stated that same was recovered tied in *sari* of deceased but subsequently said ticket was found to have been purchased on the next date from Jehanabad railway station only to establish his case that deceased was travelling with a valid train ticket at the time of accident.

8. It is an admitted fact that deceased was travelling alone in the train and met an accident and was carried to hospital and subsequently died in hospital by that time her identity was not known and at the time of preparation of inquest report as well as postmortem report the dead body has been shown as unidentified. In the inquest report as prepared no bag or ticket has been shown to have been recovered from the person of deceased by the police and after having the knowledge that no bag was recovered claimant in his cross-examination has changed his version of recovery of ticket from bag to of recovery made from Sari. As per inquest report no bag or any ticket was recovered from person of deceased and sari and other belongings of deceased were handed over to the claimant by the police along with dead body.

9. The counsel for the appellant from the inquiry



report made after institution of U.D. Case, from FIR, Inquest Report, Postmortem Report could not show of recovery of any train ticket from the person of deceased. He could not even explain as to how the alleged ticket came in his possession which was produced by him before the Tribunal as such the Tribunal rejected the claim of appellant being based upon falsehood.

10. L.C.R. was called. In his claim petition claimant/appellant against paragraph no.7 as stated as follows:

“7. Class of travel and ticket to the extent known.

The deceased was travelling in the ordinary/2nd Class having a valid ticket bearing no. 48827 which was recovered by the police from the bag of deceased.”

11. Appellant has not approached the Tribunal with clean hands and has consciously made patently false and misleading statement and his conduct was improper as such his claim case was rejected as same was based on misrepresentation of material facts. Had appellant approached the Tribunal with clean hands even if the train ticket could not have been recovered from the person of deceased or it may have been lost, appellant could have been granted relief but if the claim itself is based upon falsehood then appellant cannot



expect any equitable relief from court of law.

12. There is no merit in this appeal and same is accordingly dismissed.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.06.2019
Transmission Date	NA

