

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.723 of 2014

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Chaturi Manjhi son of Kailu Manjhi resident of village - Gulzarbagh,
Dharamshala, P.S. Alamganj, District – Patna, Bihar.

... .. 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. Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 27-06-2019

Heard the parties.

2. This miscellaneous appeal has been filed for setting aside the judgment and order dated 08.09.2014 passed in Claim Application No. OA 00086/2005 passed by learned Member (Technical) Railway Claims Tribunal, Patna Bench by which the claim application of the appellant for grant of compensation due to injury sustained in a railway accident has been rejected by the Claims Tribunal.

3. Briefly stated, the facts of the case as set out in the claim application is that claimant on 07.08.2004 had purchased a ticket from Gulzarbagh Railway Station for his travel from Gulzarbagh Station to Rajgir Station and he boarded Danapur -Rajgir passenger train and on account of heavy rush in the



compartment, he fell down at the Bihar Sharif Railway Station as the train started to move from Bihar Sharif Railway Station and his both legs below knee were cut and passengers boarded him on a train leaving Patna and after reaching Patna G.R.P. admitted him to PMCH.

4. Written statement has been filed on behalf of Railways in which they have denied the claim of claimant. No one informed the rail administration regarding fall of claimant from the train. He has not produced any journey ticket in support of his claim.

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

6. The claimant in his Examination-in-Chief in form of affidavit has supported his claim case. In his cross-examination, he has stated that after the incident, he became unconscious. People boarded him on the train to Patna. He does not remember if police had come or not. He remembers that G.R.P., Patna took him to PMCH. He was not conscious at that time, he was travelling alone. He cannot submit the papers regarding his treatment in PMCH. In support of his claim case, claimant has produced his fardbeyan recorded on 31.12.2004 in PMCH, Patna which has been marked as Exhibit- A1 in which he has



stated that on 07.08.2004 after purchasing train ticket from Gulzarbagh Station for Rajgir and was going to Rajgir from Danapur-Rajgir passenger and as train proceeded 2 Kms. from Biharsharif due to push and pull of passengers in the compartment, he fell down and both of his legs got amputated. In support of which he produced a disability certificate issued by Medical Officer-cum-Civil Surgeon, Patna and marked as Exhibit-A2. Claimant has also produced medical prescription of Nalanda Arogya Sansthan which has been marked as Exhibit-A4 and Medical Test Report which has been marked as Exhibit-A5.

7. Claimant/appellant has not submitted any document in support of his claim case on basis of which claims Tribunal could have arrived at finding in respect of his claim case as set out in his claim application. The documents produced are irrelevant and lacks material particulars to support the claim case of appellant, as such, the tribunal has dismissed the claim case of petitioner for want of sufficient and relevant evidence. This Court also finds that the claim case of appellant is not supported by any trustworthy, reliable and relevant oral or documentary evidence, as such, the claim tribunal has rightly rejected the claim case of appellant.

8. This Court does not find any merit in the present



appeal and same is accordingly dismissed.

9. 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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