

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.386 of 2014

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Savita Tiwari widow of Late Shailendra Tiwari Resident of Village - Ojhwalia Kala @ Othwalia Kala Post Office - Anghari, Police Station - Sahar, District - Bhojpur.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumod Kumar Shrivastaw, Advocate
For the Respondent/s : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 19-02-2019

Heard learned counsel for the parties.

2. By order dated 25.03.2014, passed in Case No. MA (OA) 0019/2001, the Railway Claims Tribunal, Patna, has refused the prayer of the appellant. The appellant was claimant before the Railway Claims Tribunal, Patna.

3. Submission of the learned counsel for the appellant against the impugned order is that the Tribunal was vacant for last about 12 years and all of a sudden the issues were framed on 25.02.2014, on the basis of claim petition filed and objection raised, without hearing the parties and in absence of the parties the date was fixed on 25.03.2014 directing the parties to file their documents. On 25.03.2014 the claim petition was abruptly dismissed.



4. In the circumstance, while passing the impugned order dated 25.03.2014 the Railway Claim Tribunal has acted arbitrarily in a caprice manner without giving proper opportunity of hearing to the parties.

5. Learned counsel for the Railway Claims Tribunal opposed the prayer. However, he does not dispute the factual position of the case that the claim case was kept pending for years and all of a sudden issues were framed on 25.02.2014 and on the very next date fixed in the case, i.e., 25.03.2014, the claim was dismissed without giving opportunity to the claimants to lead evidence and make submission in support of the claim.

6. Hence, the impugned order is set aside and the matter be remitted back to the Railway Claims Tribunal, Patna, to decide the matter according to law within six months.

(Birendra Kumar, J)

Mkr./Banti-

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