

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.376 of 2016

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Union Of India Through The General Manager East Central Railway Hazipur

... Respondent / ... Appellant/s

Versus

1. Smt. Archana Devi, wife of late Ravi Shankar Gupta
2. Ms. Arpita Kumari
3. Ms. Rashmi Kumari

Both minor daughters of late Ravi Shankar Gupta and both daughters under guardianship of their mother Smt. Archana Devi
All resident of village/ Mohalla Rambag Buxar, P.S. Buxar (Nagar), District Buxar.

... Applicant / ... Respondent 1st set

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Appearance :

For the Appellant/s : Mr.Chandra Sen Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 18-06-2019

I.A. No.3638/16:

Heard.

This interlocutory application has been filed for
condoning the delay of 33 days in filing miscellaneous appeal.

For the reasons stated in the petition, this Court is
satisfied that appellant was prevented for sufficient cause in
filing the appeal within time, as such, the delay in filing the
present appeal is condoned.

I.A. No.3638 of 2016 stands allowed.

M.A. No.376/2016:

Heard parties.

This miscellaneous appeal has been filed on behalf of



appellant-Railways against the judgment and order dated 4.12.2015 passed in O.A. 00327/2013 passed by Railway Claims Tribunal, Patna Bench allowing the claim filed by claimants / respondents.

Briefly stated the facts of the case is that Shri Ravi Shankar Gupta, husband of claimant, on 13.7.2015 was going from Buxar to New Delhi from Shramjivi Express (12391 UP) after purchasing a valid second class ticket and due to heavy rush, in the general compartment, he accidentally fell down from the running train at the western side of Chousa Railway Station and died on the spot.

Appellant – Railways contested the claim and stated in their written statement that as per postmortem report, the injuries appeared to be self-inflicted and deceased was not a bona fide passenger as no railway ticket was recovered from his possession.

On the pleadings of the parties, the Tribunal framed four issues. Claimant was examined as a witness and was cross-examined by the appellant. She stated that her deceased husband was travelling alone from Buxar to New Delhi by Super fast train on 31.7.2013 and her brother-in-law, Uma Shankar Gupta had gone to see him off up to railway station who informed her



that her husband had fallen down from the train due to jostling and heavy rush in the compartment. The claim is also supported by station memo issued by Dy. S.M., Buxar (Ext. A/ 1) according to which, one person aged about 30 years was found dead near railway line. Inquest report (Ext. A/3) according to which deceased died due to falling down and being run over from the train. Postmortem report (Ext. A/4) supports the death caused by hard and heavy object and final report (Ext. A/5) also states that deceased died due to falling down and being run over from the train No.2391.

After examining the materials available on record and evidences produced before it, The Tribunal has come to the conclusion that husband of claimant died due to falling down and being run over from the train and has held that deceased died in an untoward incident and claimant is entitled for compensation. The tribunal has disbelieved the case of Railways that deceased was run over by the train while trespassing the railway track.

After hearing the parties and perusing the judgment and order passed by Railway Claims Tribunal, this Court does not find any error or infirmity in the judgment and order passed by the Tribunal requiring any interference by this Court,



accordingly, this miscellaneous appeal is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2019
Transmission Date	NA

