

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.381 of 2016

Union Of India through General Manager, East Central Railway, Hajipur.

... .. Appellant/s

Versus

Smt. Sunaina Devi, widow of Late Sri Subodh Sah, resident of village: Virsinghpur, P.S. Kalyanpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Siddhartha Prasad, Adv.
	:	Mr. Sunil Kumar, Adv.
	:	Mr. Om Prakash Kumar, Adv.
For the Respondent/s	:	Mr. Amar Nath Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 19-06-2019

Heard the parties.

2. This appeal has been filed for setting aside the order dated 22.09.2015 passed by Railway Claims Tribunal, Patna Bench, passed in Claim Application No. OA00197/2007 (Com. No. 81/2007) by which learned Tribunal has granted compensation of Rs. 4,00000/- to the applicant/respondent alongwith simple interest @ 8% per annum from the date of registration of application till its payment.

3. Briefly stated, the facts of the case is that a claim application was filed before the Claims Tribunal, Patna giving rise to Claim Application No. OA00197/2007 (Com. No. 81/2007) for payment of compensation under Section 16 of the Railway Claims Tribunal Act, 1987 on account of death of



husband of applicant in an untoward incident dated 19.08.2007.

4. It was further stated in claim petition that husband of the applicant Subodh Sah after purchasing a valid journey ticket from Haya Ghat Railway Station to Samastipur Railway Station had boarded train No. 210dn. (Dhuriyan Passenger) at Haya Ghat for going to Samastipur, when the train was approaching Samastipur Railway Station, where the deceased was to get down, due to heavy rush and jostling of passengers in the railway compartment, husband of applicant fell down from the running train and sustained grievous injuries and was taken to the Sadar Hospital Samastipur by A.S.I. of G.R.P. Mr. Ram Ray Yadav where he died during treatment.

5. UD case No. 24/2007 dated 20.08.2007 was registered at Samastipur Railway Station on the basis of fardbeyan of father of deceased. Inquest report was prepared and postmortem was done on 20.08.2007.

6. Appellant Railway filed their W.S. in which they have stated that deceased died due to run over by the train. He was not a bonafide passenger and it is not a case of untoward incident, as such, applicant is not entitled for any compensation.

7. On the basis of pleading of parties, the claims tribunal framed four issues for adjudication and determination.



8. Applicant Sunaina Devi filed her affidavit cum deposition and was cross examined by the counsel for railways. Apart from oral evidence eight documentary evidence were also produced on behalf of applicant which were marked as Exhibit-A1 to A8. However, neither any oral nor any documentary evidence was led by railways to deny the claim of applicant. In the FIR (Exhibit-A1) father of the deceased who is the informant has stated that his son died due to falling from the running train No. 210 (Dhuriyan passenger) and died during his treatment in Sadar Hospital, Samastipur. The tribunal has further held that the final report (Exhibit-A5) submitted by the Railway police fully supports the claim of applicant.

9. After considering the documentary evidence as well as oral evidence, the tribunal has held that deceased was a bonafide passenger and died in an untoward incident and applicant is entitled for grant of compensation and directed railways to pay the compensation amount of Rs. 4,00000/- with interest from the date of registration of claim case i.e. 01.11.2007 till its payment with interest @ 8% per annum with certain direction for minors.

10. After hearing the parties and considering the evidence and materials available on record, this Court does not



find any illegality, irregularity, error or infirmity in the order passed by the Railway Claims Tribunal, as such this Court is not inclined to interfere in said order, accordingly the present appeal is dismissed.

11. Let lower court record be sent to the court concerned immediately.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2019
Transmission Date	N.A.

