

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.903 of 2016

Manorma Devi widow of Sunil Kumar Resident of village - Serthua tola Vatu
Bigha, Police Station - Gulasganj, District - Jehanabad.

... Applicant... Appellant/s

Versus

The Union Of India Through General Manager, East Central Railway, Hajipur

... Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar, Adv

For the Respondent/s : Mr.Ramadhar Shekhar, Addl S.C. Railways.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 20-08-2019

Heard learned counsel for the parties.

2. This miscellaneous appeal has been filed for setting aside the order dated 06.05.2016 passed by Member (Judicial) Railway Claims Tribunal, Patna Bench, Patna, in Restoration Case No. 00041 of 2015 vide RCT Case No. RES/PNBE/2015/0041 (OA/00147/ 2008), by which the learned Claims Tribunal has dismissed the restoration application.

3. Appellant had filed an application for grant of compensation on account of death of her husband in an untoward incident which occurred on 03.02.2007.

4. It has been submitted by learned counsel for the Appellant that the claim case remained pending for more than 7 years as the Tribunal was not functional and it was taken up for



the first time on 26.02.2014, on which date written statement was filed on behalf of respondent and thereafter issues were framed and the case was adjourned for 26.08.2014. However, learned counsel for the appellant could not appear on 26.08.2014, when the case was called out and was dismissed for default for non appearance of appellant.

5. Appellant filed restoration petition being Restoration Case No. 41 of 2015 within 30 days from the order of dismissal on 26.09.2014 assigning reasons for non appearance of the appellant or his counsel on the date when the case was fixed. However, the restoration application was dismissed by order dated 06.05.2016.

6. After hearing the learned counsel for the appellant as well as learned counsel for the respondents, this Court finds that the appellant had given sufficient reasons in his restoration application for non appearance on 26.08.2014, when the claim case was taken up and as such order dated 06.05.2016 passed by Member (Judicial) Railway Claims Tribunal, Patna Bench, Patna, in Restoration Case No. 00041 of 2015 vide RCT Case No. RES/PNBE/2015/0041 (OA/00147/ 2008) is set aside and the claim application of appellant being Claim Case No. 147 of 2008 is restored to its original file.



7. The Tribunal shall grant reasonable opportunity of hearing to both the parties and decide the claim case of the appellant within six months from the date of production/receipt of a copy of the order passed by this Court.

8. Accordingly, this miscellaneous appeal is allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2019
Transmission Date	NA

