

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.139 of 2014

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1. Murat Singh, S/o Late Bhagwan Yadav.
 2. Smt. Deorajo Devi, W/o Murat Singh, Both Are Resident Of Village Kharhaniya, Po and P.S, Dhanapur, District- Chandauli U.P.

... .. Appellant/s

Versus

The Union of India through The General Manager, East Central Railway,
Hazipur (Vaishali).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Mohan Murari, Adv.

For the Respondent (Rly.) : Mr. Chndrasen Prasad Singh, Rly. Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 16-09-2019

Heard the parties.

This miscellaneous appeal has been filed on behalf of applicant/appellant for setting aside the order dated 05.02.2014 passed in claim Application No. O.A.00286 of 2003 passed by learned Member (Technical) of Railway Claims Tribunal, Patna Bench by which the learned Claims Tribunal has rejected the claim application for grant of Rs. 4 lacs (four lacs)



as compensation on account of death of son of applicant in an untoward incident.

The applicant who is the father of deceased Dinanath Yadav filed an application for grant of compensation under Section 16 of Railway Act stating therein that on 17.07.2003 at 9:00 A.M. his son Dinanath Yadav after purchasing a ticket from Mugalsarai Jn. To Patna Jn. Boarded Dadar-Guwahati Express train. He was coming Patna to meet his father who works in a private company at Patna as peon. His father received a message from G.R.P. Danapur that his son Dinanath Yadav fell down on platform no. 5., as he had to change the train Dadaar-Guwahati at Danapur and due to heavy rush in the train he fell down and died. The claimant/father came and received the dead body of his son for cremation. The deceased was a bonafide passenger having a valid train ticket, as such, claimant is entitled for compensation as his son died in a untoward incident. Ticket No. 491822 dated 17.07.2003 of 2nd Class from Mugalsarai Jn. to Patna Jn. has been mentioned in the claim application.

Respondent/railways have denied the claim of applicant and in their written statement stated that the relevant document were not filed alongwith claim application as such



claim application was fit to be dismissed at threshold. It is further stated that on 17.07.2003 Dadar-Guwahati Express train had arrived at Danapur railway station at platform no.1 at 2:32 P.M. and departed at 2:45 P.M. on the same day 3246 Dn. Danapur reached Danapur at Platform no.1 in the night at 10:40 P.M. and departed at 11:15 P.M. as such there was a gap of about 9 hours and in between 8 express and 05 passenger trains were available for the deceased to go to Patna and as such the claim of the claimant is doubtful and not bonafide. It has been further stated in written statement that distance of Mugalsarai from Danapur is 230 K.M. and from Danapur to Patna it is 9 K.M. as such, it is not believable that deceased travelled 203 K.M on Dadar-Guwahati Express but due to heavy rush he de-boarded the train at Danapur from where 9 K.M. is Patna Jn. and next stoppage of Dadar Guwahati Express was Patna Jn. as such the story set out by the claimant is not natural and plausible. It has been specifically contended that on 17.07.2003 both the trains arrived at platform no.1 at the Danapur station and deceased died near platform no. 5 while crossing the railway track which is apparent from the report of station master as well as inquest report as such deceased died due to his own negligence and reckless act as such, railways are not liable to



pay the compensation. Deceased was not a bonafide passenger.

Claimant in his examination-in-chief in form of affidavit has stated that the untoward incident is of 17.07.2003 at Danapur railway station. His son was unmarried and was travelling alone from Mugalsarai Jn. to Patna Jn. by Dadar Guwahati Express on a proper and valid train ticket which was recovered from his possession which is evident from the inquest report. Deceased de-boarded the train at Danapur railway station for having some fruits and water and all of a sudden train started moving and he accidentally fell down while try to board moving train and was crushed by the running train.

In his cross-examination he has stated that he got information of the accident from the police at about 2-3 P.M. in the day. He received the phone and thereafter he came from Mugalsarai He is not aware on which train he was coming. He does not remember what statement he had made before the police. He received the dead body in the day time. He has also proved the documents produced by him which has been marked as Exhibits by the tribunal. Exhibit A1 is the inquest report, Exhibit-A2 is the copy of ticket, Exhibit-3 is F.I.R., Exhibit-4 is postmortem report, Exhibit-5 is the fardbeyan, Exhibit-6 copy of the Rashan Card, Exhibit-7 is final report.



Station memo was issued by the station master of Danapur station on 17.07.2003 at about 11:30 P.M. to the Officer-in-charge of G.R.P. Danapur that he has received information from passenger that one person has been run over by the train and his body is lying at platform no.5 and for which he should take appropriate action as the movement of train is effected. On the basis of said station memo U.D. Case No. 27 of 2003 dated 17.07.2013 was instituted and A.S.I. R.C. Yadav was handed over the investigation of the U.D. Case.

A written complaint of claimant Murat Singh Yadav addressed to Officer-in-charge, Danapur railway police station has been bought on record in which it has been stated that he is resident of Chandauli (Uttar Pradesh) and he received information on telephone from Danapur that his son has died in a railway accident and upon receiving said information he with his staff Basant Kumar Singh went to Danapur and identified dead body of his son. He is residing in Patna for last many years. He died while he was coming to Patna and fell down from train. Railway ticket was also in his possession.

After hearing the parties and considering the evidences and material available on record, the claims tribunal has held that applicant has failed to establish that deceased died



in an untoward incidents as facts of the case as narrated in claim application is not natural and plausible and oral evidence of applicant does not corroborate his pleadings as made in claim application and dismissed the application of applicant/claimant.

This Court also after hearing the parties and perusing the materials available on record does not find any irregularity or infirmity in the judgment and order passed by claims tribunal, accordingly Misc. Appeal is dismissed.

Let the L.C.R be immediately returned to the court below.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2019
Transmission Date	NA

