

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.309 of 2014

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Ganauri Paswan Son of Sri Buniadi Paswan Resident of Village - Khapher,
P.S.- Fatuha, District -Patna (Bihar).

... .. Appellant/s

Versus

The Union of India through The General Manager, East Central Railway,
Hajipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anant Kumar-1, Adv.
For the Respondent/s : Mr. Bijoy Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 21-08-2019

Heard the parties.

2. This appeal under Section 23 of the Railway Claims Tribunal Act, 1987 has been filed on behalf of applicant/appellant for setting aside the judgment and order dated 18.02.2014 passed in Claim Application No. O.A. 00333/2003 passed by Member (Technical) Railway Claims Tribunal, Patna Bench by which the claim application of applicant/appellant has been dismissed.

3. Briefly stated the facts of the case as disclosed in claim application is that on 04.09.2003 Rajmata Devi the mother of the applicant having a valid second class ticket from



Patna to Fatuha boarded Train No. 552dn (Patna Islampur Passenger) at Patna Junction for going to Fatuha and accidentally fell down while alighting from the train at Fatuha Railway Station and died on the spot.

4. The claim was resisted by the respondent railways on the ground that deceased was not a bonafide passenger and she did not die in any untoward incident and deceased was a beggar aged about 60 years and driver of train No. 2368 reported that a dead body was lying near pole No. 522/18 on basis of which U.D. Case was instituted.

5. Applicant was examined as a witness before the tribunal in which he supported his claim case. Apart from oral evidence applicant also filed documentary evidence in support of his claim case. FIR (Exhibit A/2) with final report indicates that an unknown lady aged about 60 years died due to falling from train. Station Memo (Exhibit-A/3) indicates that a dead body was found lying near pole No. 522/18 as reported by the driver of train No. 2368. Inquest report (Exhibit-A/4) indicates that an unknown lady died by falling from some unknown running train. No ticket was recovered from the dead body. Postmortem report (Exhibit-A/5) indicates that deceased died due to hemorrhage and shock from injury caused by hard and



blunt substance. Final report (Exhibit-A/6) states that deceased died due to falling from Patna Islampur Passenger Train.

6. The tribunal on appreciation of oral as well as documentary evidence has held that the claim case of applicant/appellant that the mother of the applicant died in an untoward incident could not be established and identity of deceased as mother of applicant is also doubtful as in the station memo, inquest report and postmortem report, dead body is stated to be of unknown and same was cremated as no one turned up to claim the dead body in P.M.C.H.

7. The tribunal has further held that dead body of a beggar was found lying near pole No. 522/18 and same was noticed by the driver of train No. 2368 and station master, Fatuha was accordingly informed by the said driver and as such has held that deceased did not die in an untoward incident and she was not a bonafide passenger rather a beggar whose identity also could not be established and dismissed the claim of applicant/appellant.

8. This Court after pursing the order passed by the claims tribunal and materials available on record does not find any illegality or infirmity in the order passed by the railway claims tribunal. Accordingly the appeal is dismissed.



9. Let lower court record be sent to the court
concerned forthwith.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.12.2019
Transmission Date	N.A.

