

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.82 OF 2021

Bharat s/o Sadashiv Meshram, Gond Umari, Sakoli, Tah Sakoli, Dist. Bhandara

-vs-

Union of India, General Manager, South East Central Railway, Bilaspur (CG)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri U. H. Jaiswal, Advocate for appellant.
Ms Neerja G. Chaubey, Advocate for respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : August 29, 2022

P.C.

Heard.

This appeal is directed against the award passed by the Railway Claims Tribunal, Nagpur on 13/12/2017 wherein claim put forth by the appellant for award of compensation came to be allowed.

2. It is the case of the appellant that while he was travelling as a bonafide passenger on a train, on August 18, 2015 he had a fall from running train as a consequence of which his right leg below the knee was amputated. Since the accident occurred within the jurisdiction of respondent-Railway Authority, the claim petition was lodged which is partly allowed vide the order impugned.

3. Contention of the appellant is that the Tribunal committed an error in awarding less compensation. Such contention is sought to be established through the available

evidence on record.

4. Ms Neerja Choubey, learned counsel for the respondent would support the judgment as according to her the Tribunal has appreciated the nature of injuries suffered, loss of earnings of the appellant and appropriate compensation has been awarded.

5. The appellant has established that he was a bonafide passenger based on railway ticket Exhibit-8. It was also established from the overall testimony that he was travelling in general class. The accident had occurred on August 18, 2015. It appears that such accident had occurred because of fall of the appellant from running train. The appellant has established that he suffered railway accident as can be inferred from statutory report at Exhibit-5, disability certificate and the injuries suffered by him in the aforesaid railway accident.

6. The entitlement of compensation for the nature of injuries suffered during the railway accident is mentioned at Sr. No.22 of Schedule-III attached to the Railway Accident and Untoward Incident Compensation Rules, 1990. The victim of such railway accident is made entitled for compensation of Rs.3,20,000/-. Accordingly the Tribunal has awarded the maximum compensation of Rs.3,20,000/- of which enhancement is claimed.

7. For seeking enhancement, it was expected of the appellant to prove the same by discharging burden thereby

demonstrating that for nature of injury suffered in such accident, he was entitled for more compensation than the one which was awarded. But for statutory enquiry report and the disability certificate which has established the injuries suffered by the appellant, no material or documentary evidence is placed on record to substantiate such claim for enhancement.

8. In the aforesaid backdrop the Tribunal was justified in awarding compensation of Rs.3,20,000/- having referred to the injuries suffered by the appellant. I hardly see any reason which warrants exercise of appellate jurisdiction for ordering payment of enhanced compensation. That being so, the appeal fails and the same stands dismissed. No order as to costs.

(NITIN W. SAMBRE, J.)

Asmita