

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.105 of 2016

Pratima Devi w/o Late Gautam Ram resident of village P.O. - Makhdumpur,
P.S. - Tankuppa, District - Gaya.

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar, Advocate

For the Respondent/s : Mr.Radhika Raman, C.G.C.

Mr. Ram Tujabh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-01-2023 Heard learned counsel for the appellant and Mr. Ram
Tujabh Singh, learned counsel for the Department of Railways,
East Central Railway, Hajipur for the respondent.

This appeal has been preferred for setting aside the
judgment dated 12.08.2015 passed by learned Railway Claims
Tribunal, Patna Bench (hereinafter referred to as 'the Tribunal')
in Claim Case No. OA00286/2013 whereby and whereunder the
learned Tribunal has been pleased to dismiss the claim petition
filed under Section 125 of the Railways Act, 1989 read with
Section 16 of the Railway Claims Tribunal Act, 1987.

Learned counsel for the appellant submits that the
husband of the appellant was travelling from Sealdah to Gaya
on Train No.12307 (Howrah-Jodhpur Express). On the fateful
day i.e. 12.09.2012 near Tankuppa railway station while he was



using the wash basin the rail took a jerk in which the husband of the claimant-appellant fell down and suffered serious injuries in the accident which ultimately proved fatal and he died. The deceased was taken to Anugrah Narayan Magadh Medical College, Gaya where he was declared dead. The claim was filed on 20.12.2013. The Tribunal framed as many as four issues and while deciding the learned Tribunal has instead of taking a cumulative view of the evidences available on the record, rejected the claim of the appellant on the solitary ground that the claimant-appellant had made a statement in course of her deposition that her husband was having rail ticket from Sealdah to Gaya Junction which could not be found after the accident, the Tribunal doubted this statement saying that if the deceased husband of the claimant was travelling from Howrah then the statement of the claimant that he had taken ticket from Sealdah to Gaya does not inspire confidence. The Tribunal came to a conclusion that Howrah Junction and Sealdah Junction are two different stations and it cannot be believed that after taking ticket from Sealdah Junction to Gaya Junction the husband of the claimant would board the train from Howrah Junction.

Learned counsel submits that the Tribunal was required to go through the entire evidences available on the



record and then only any view could have been taken but in this case the Tribunal has proceeded to reject the claim petition on the solitary ground that the deceased could not have travelled by the said train (Howrah-Jodhpur Express) after purchasing a ticket of Sealdah to Gaya. Learned counsel submits that this was never in question that the husband of the claimant was travelling from the said train. The Railway had never taken a plea that the deceased was not travelling in the said train. Learned counsel further submits that the learned Tribunal could not appreciate that the same train goes through both the railway stations i.e. Howrah and Sealdah, therefore, it was always possible for a passenger to purchase the ticket from Sealdah and board the train from Howrah and it happens on many occasions.

Learned counsel for the Railways has opposed this appeal, however, it is not denied that the Tribunal has not decided all the issues framed for purpose of this case after taking into consideration the entire evidences available on the record.

In the aforesaid view of the matter, this Court is of the considered opinion that the Tribunal has erred in rejecting the claim only on the basis of surmises and conjectures by assuming that the deceased could not have boarded the train (Howrah-



Jodhpur Express) after purchasing a ticket from Sealdah to Gaya Junction. This judgment is, therefore, set aside and the matter is remitted to the Tribunal for a fresh consideration after hearing both the sides and on the basis of the materials available on the record.

This appeal is allowed.

(Rajeev Ranjan Prasad, J)

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