

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.146 of 2014

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

... .. Appellant/s

Versus

Kalawti Devi Widow Of Late Raj Kumar @ Dinesh Resident Of Village
Ubaria, P.S. Banda, District Shahjahanpur, Uttar Pradesh

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, CGC
		Mr. Ankit Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anant Kumar No. 1, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

9 01-08-2023 This Miscellaneous Appeal has been filed against the judgment and order dated 12.12.2013 passed in Claim Application No. OA 00151/2023 by the Railway Claims Tribunal, Patna Bench. The learned Tribunal has awarded compensation of Rs. 4,00,000/- to the applicant along with simple interest of 6% per annum from the date of registration of application.

2. The Claim Application No. OA 00151 of 2023 was filed by the Kalawati Devi, Widow of late Raj Kumar @ Dinesh on 25.05.2003 before the Railway Claims Tribunal, Patna Bench, stating therein that on 07.12.2002, the deceased Raj kumar @ Dinesh along with his colleague Ram Niwas Pandey,



holding valid second class ticket no. 97422490 and 97422491 dated 07.12.2002 boarded Train No. 3151 (Sealdah-Jammutawi Express) at Sealdah for going to Shahjahanpur. When the train was crossing Burhi River, the deceased accidentally fell down from the running train due to jostling of passengers inside the coach and died on the spot.

3. On summon, the written statement was filed by the appellant denied the allegations. It is contended that the alleged incident is not covered under Section 123(c)(2) of the Railways Act. It was further contended that the deceased was not a bonafide passenger. Hence, the claim application is not maintainable.

4. The learned Railway Claims Tribunal, after hearing the parties and scrutinising the evidence adduced by the parties, held that the deceased Raj Kumar died due to fall from the train near Paraiya railway station and it is further held that the deceased was travelling by the train and fell from the train and he was bonafide passenger. The learned Tribunal further stated that the appellant (E.C. Railway) has not produced any other documents to contest the contents of the inquest report and the final report. The learned Tribunal directed appellant-railway to pay rupees four lakhs rupees along with simple interest @ 6%



per annum from the date of registration of the application.

5. Considering the impugned order and material available on records as also in the light of decision of the Hon'ble Supreme Court in the case of **Union of India Vs. Dilip and Ors** passed in **Civil Appeal No. 9124 of 2019** on **29.11.2019**, this court finds that there is no irregularity in the impugned judgment and order.

6. In such view of the matter, I am not inclined to interfere with the impugned judgment.

7. Accordingly, this Miscellaneous Appeal is dismissed.

(Khatim Reza, J)

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