

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.143 of 2015

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Awadhesh Kumar Singh, Son of Late Brahmdeo Singh, resident of Mohalla-
Sri Krishna nagar, P.S. Town Motihari, District- East Champaran.

... .. 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. Anil Kumar Sinha, Adv.

For the Respondent/s

(U.O.I.) : Mr. Arvind Kumar Tewary, C.G.C.

For the Union of India : Mr. Uma Shankar Verma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL JUDGMENT

Date : 06-11-2023

Heard learned counsel for the appellant and learned
counsel for the Railway.

2. This Miscellaneous Appeal has been filed against the
order dated 14.10.2014, passed in Claim Case No. OA 00072 of
2006, by the learned Member (Technical), Railway Claim
Tribunal, Patna Bench, whereby the claim application of the
appellant has been rejected.

3. The case of the claimant in short is that on
31.12.2005, the appellant/claimant was going from Motihari
Railway Station to Muzaffarpur Railway Station. The
victim/claimant boarded Train No. 330 Down, Motihari



Muzaffarpur Passenger Train while the train had started moving at 6:30 A.M. due to crowd at the door of the said train, the appellant fell down during course of boarding from the running train on the platform, causing his left leg cut from below the knee. Further claim of the appellant is that the appellant was a bona fide passenger having railway ticket of second class.

4. It is submitted by the learned counsel for the appellant that the victim was taken by the G.R.P. personnel to Sadar Hospital, Motihari on 31.12.2005 at 7:19 A.M. and thereafter fardbeyan was recorded by the A.S.I, Railway P.P., Motihari.

Learned counsel for the appellant further submits that the victim was referred to S.K.M.C.H., Muzaffarpur for further treatment. All the documents issued by the Civil Assistant Surgeon, Sadar Hospital, Motihari, has been marked as Exhibit-A3. Thereafter the appellant was admitted in Alakh Nursing Home, Muzaffarpur for treatment by Dr. Rajiv Bhushan Sinha, M.S., F.R.C.S. on 01.01.2006 and after operation/treatment he was discharged from the Nursing Home on 27.01.2006.

5. On the other hand, Railway has filed written statement and raised objection with regard to maintainability of the claim. It is contended that Awadhesh Kumar Singh caused the said accident owing to his own negligence and wrongful act. The



Railway administration is not at fault. Therefore, the claimant/appellant is not entitled to get any compensation from the Railway administration.

6. Learned counsel for the Railway also submitted that the claimant/appellant did not file any document to prove his case.

7. Learned counsel for the appellant drew my attention with regard to certificate issued by the Railway authority, which is annexed along with the written statement filed by the railway mentioning that all the documents were burnt in the office of the Babudham Railway Station, Motihari. This fact has also been mentioned in the said certificate. It is submitted that the details of station diary, memo of Train No. 330 Down were accidentally burnt in the office of Railway. Learned counsel for the appellant submits that due to this reason the appellant is not able to produce any document with regard to the said facts and for the fault of the railway, appellant may not be denied compensation. Learned counsel for the appellant has submitted that the appellant was holding ticket at the time of journey, which was mis-placed during the said accident. The appellant has suffered eighty percent (80%) disability as is evident from Exhibit-A-5.



8. Considering the aforesaid facts and circumstances of the case, the claimant has proved his case on the basis of fardbeyan, which was endorsed by the G.R.P, Railway.

9. The Railway is directed to pay Rs. 3,20,000/- (Three lakh twenty thousand) as compensation to the victim/claimant on account of eighty percent disability.

10. Accordingly, this Miscellaneous Appeal is allowed.

(Khatim Reza, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	NA

