

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.317 of 2014

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Savitri Devi W/o - Late Jagdish Saw Resident of Village - Sabal Bigha, P.O
and P.S. - Sikandara, Distt. - Jamui 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.Krishna Mohan Murari
For the Respondent/s : Mr. Binay Kumar Pandey, CGC
Mr.Mahesh Prasad

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV JUDGMENT

Date : 29.02.2024

Being aggrieved by the order dated 24.04.2014
passed by the learned Member (Technical) of the Railway
Claims Tribunal, Patna Bench, Patna in Claim Application No.
0A 00179/2003, the appellant Savitri Devi has preferred this
appeal.

2. The claimant's case, in brief, is that on ill-fated
day her husband Jagdish Saw was travelling by Train No. 3484
Down. He fell down from the drain at Lakhisarai railway station
and became seriously injured and later on he died. She claimed
Rs. 4,00,000/- (rupees four lakh) as compensation, as the death
of the deceased was due to 'untoward incident', as defined in
Section 123(c) of the Railways Act (24 of 1989), hereinafter to
be referred to as 'the Act'. As such, she claimed herself to be



entitled for the compensation under Section 124A of the Act.

3. It is not in dispute that the deceased was having a valid second class ticket bearing nos. 65348076 and 65348077 as his son was also travelling by the said train. The claimant has filed the xerox copy of the memo, final report of the GRP, inquest report, post mortem report, death certificate, copy of the voter identity card of Savitri Devi (claimant), original railway tickets and dependency certificate.

4. The respondent adduced the copy of the log book of Patna railway station, report of the Deputy Station Superintendent, copy of train time table as Ext.R/01, Ext.R/2 and Ext.R/3, respectively. The xerox copy of the final report shows that the death of the deceased was caused due to falling from the train at Lakhisharai Railway Station.

5. From perusal of the impugned order, it appears that the learned Member found that some of the papers submitted by the claimant were the xerox copies, in place of certified copies, except the dependency certificate and the original railway tickets.

6. The learned counsel for the Union of India has submitted that there was no stoppage of Train No. 3484 Down at Lakhisarai Railway Station. The deceased was getting down



from the running train, due to which he fell down and suffered injuries. As per his submission, the claimant is not entitled for the compensation, as the death of the deceased comes under the proviso to Section 124A of the Act. In support of his submission, he drew my attention towards the paper/document filed by the respondent which is at page no. 39 of the lower court record which is a xerox copy of the railway time table, showing that Train No. 3484 Down has no stoppage at Lakhisarai Railway Station.

7. The learned counsel for the appellant by drawing my attention towards station log book of Patna Junction, submitted that Train No. 3484 Down at Platform No.1 arrived at 24.00 hours on 02.08.2008 and departed at 0.20 hours on 03.08.2002. The learned counsel by drawing my attention towards the paper/document submitted that on the ill-fated day the train had stopped at platform no.1 at Lakhisarai Railway Station for 20 minutes, but this piece of evidence, which is a log book, is not related to the Lakhisarai Railway Station, rather it is related to Patna Junction. This piece of paper shows that the Train No. 3484 Down arrived at Patna Junction at 24.00 hours on 02.08.2002 and it departed at 0.20 hours on 03.08.2002.

8. The papers/documents produced by the parties



show that there was no stoppage of Train No. 3484 Down at Lakhisarai Railway Station, neither it has been proved that on the ill-fated day the train had stopped at Lakhisarai Railway Station by any other reason. When it has not been proved that the said train on the ill-fated day stopped at Lakhisarai Railway Station, then the submission of the learned counsel for the Union of India appears to be creditworthy that the deceased was getting down from the running train, and in that course, he met with an accident and died. As such, in my view, his death was caused due to ‘self-inflicted injury’, as mentioned in proviso to Section 124A of the Act.

9. I do not see any reason to interfere with the order of the learned Tribunal. Accordingly this appeal is dismissed.

(Nawneet Kumar Pandey, J)

HR/-

AFR/NAFR	NAFR
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