

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.190 of 2014

Sabitry Devi Wife Of Late Satish Kumar Yadav Resident Of Village-
Kohama, P.S- Daniyawan, Distt- Patna At Present Residing At Village-
Baruna, P.S- Fatwah, Distt- Patna.

... .. Appellant/s

Versus

The Union Of India Through The General Manager, E.C. Railway, Hajipur,
Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarendra Kumar Pathak Mr.Harendra Pandey
For the Respondent/s	:	Mr. Ram Anurag Singh, CGC Mr.Mahesh Prasad

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

CAV JUDGMENT

Date : - 04 03.2024

I have already heard the learned counsel for the parties.

2. The present appeal has been preferred by the appellant against the judgment and order dated 30.01.2014 passed in Claim Application No. OA 00070/2003 by learned Member (Technical), Railway Claims Tribunal, Patna Bench, Patna, whereby the claim application of the applicant has been dismissed.

3. The applicant claims herself to be the widow of the deceased Satish Kumar Yadav. As per her averment, the deceased fell down from Train No. 543 UP (Rajgir-Danapur Passenger) at Teka Bigha Halt. He sustained injuries and died in



course of treatment at Government Hospital, Bakhtiyarpur.

4. The respondent denied the averments of the applicant/appellant by stating that the deceased was not a *bona fide* passenger and he did not die due to 'untoward incident', as defined under Section 123(c) of the Railways Act (24 of 1989), hereinafter to be referred to as the Act'. Hence, the claimant is not entitled for compensation.

5. Ext.A/3 is a memo issued by Dy. Station Superintendent of Bakhtiyarpur, which shows that an unknown person fell down from Train No. 543 UP. The Guard of another train bearing No. 3134 dropped the injured at Bakhtiyarpur railway station for treatment. The GRP sent a letter to the Medical Officer indicating that an unknown person has become unconscious due to injuries suffered by him. In the final report (Ext.A/5,) the description of the deceased was given as unknown male, aged about 30-35 years. The final report (Ext. A/5) was submitted on 31.01.2003, in which the deceased was shown as unknown, but on 02.02.2003 a report has been given on the same paper disclosing the name of the deceased.

6. The learned counsel for the appellant submitted that at the time of treatment or *post mortem*, the name of the deceased was not known to the police officers and it was the



reason that he was described as unknown in the final report. But when his dead body was identified by his family members, his name was mentioned in the final report on 02.02.2003.

7. On the other hand, the learned counsel for the Union of India has submitted that the applicant stated in her deposition that she received the information about the death of her husband on 30.01.2003, which is the date of accident and the dead body was sent for *post mortem* on 31.01.2003 at 11.00 night, but till then the wife of the deceased did not disclose the name of the deceased to the investigating authorities which raises a suspicion on the identity of the deceased.

8. In her statement, the claimant, who is the widow, has specifically stated that she came to know about the incident on 30.01.2003, but why she could not disclose the name of her husband to the investigating authorities at the time of post mortem is not clarified by the claimant, which creates a doubt on the identity of the deceased.

9. In my view, if the claimant failed to disclose the identity of the deceased, her case becomes suspicious. Therefore, the claimant, due to this reason, makes herself disentitled for compensation. For making a case of compensation, the identity of the deceased must have been



disclosed.

10. Considering the above-mentioned facts and circumstances, the appeal stands dismissed.

(Nawneet Kumar Pandey, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	15.02.2024
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