

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.216 of 2014

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Shambhu Dayal Sharma Son of Late Mangal Singh Resident of Village-
Mangal Bhawan, P.S. Goriya Kothi, District- Siwan.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anant Kumar-1, Adv.
For the Respondent/s : Mr.Awadhesh Kumar Pandey (Sr. CGC)
Mrs. Kanak Verma, (C.G.C.)
Mr. Lokesh, Adv.

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

ORAL ORDER

13 10-04-2024

Re: I.A. No. 9694 of 2014

The interlocutory application no. 9694 of 2014 has
been filed for condonation of delay of four months and one day
in filing this appeal.

2. For the reasons disclosed in the interlocutory
application, the delay of four months one day in preferring this
appeal is condoned. Accordingly, I.A. No. 9694 of 2014 is
allowed.

Re: Miscellaneous Appeal No.216 of 2014

3. Heard the learned counsel for the appellant as well
as the learned counsel for the Union of India (Railways).

4. This miscellaneous appeal has been preferred
against the order dated 04.09.2013 passed by Railway Claims



Tribunal, Patna Bench in Claim Application No. OA 00446 of 2002, whereby the claim application of the appellant was dismissed.

5. The claimant-appellant is husband of the deceased Punam Sharma. He filed an application before the Tribunal for compensation mentioning therein that his wife and family members had to go to Delhi on 11.08.2002. While boarding on Vaishali Express Train, his wife fell down and she was brought to PMCH, Patna from there she was brought to Magadh Hospital where she died.

6. In order to prove his case, the claimant-appellant filed bed head ticket of PMCH, Patna (Exhibit A 2), death certificate (Exhibit A 3), dependency certificate (Exhibit A 4) and voter ID Card (Exhibit A 5). The claimant was also examined as AW 1.

7. The claim application of the petitioner was rejected on three grounds: (i) the Station Diary dated 11.08.2002 does not reveal the accident. (ii) No valid ticket was produced by the claimant to establish that the deceased was a *bona fide* passenger and (iii) No medical paper has been filed to show that the deceased had died in an accident.

8. Learned counsel for the Union of India submits that



the claimant-appellant failed to establish that it was a case of untoward incident.

9. From perusal of the evidences on the record, it appears that the case does not come under the purview of the definition of “untoward incident” as defined under Section 123(c)(2) of the Railways Act, 1989.

10. In my view, the learned Tribunal did not commit illegality or impropriety in passing the impugned order. Accordingly, this miscellaneous application is dismissed.

(Nawneet Kumar Pandey, J)

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