

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.284 of 2014

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Sheo Ratni Devi @ Shivrato Devi

... .. Appellant/s

Versus

The Union Of India Represented Through The General Manager, Eastern
Railway, Kolkata

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Suresh Kumar

For the Respondent/s : Mr.Mahesh Prasad

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

ORAL ORDER

8 27-03-2024 Heard learned counsel for the appellant. None
appeared on behalf of the Railways.

2. The present appeal has been preferred against the order dated 06-03-2014 passed by Sri Dr. B. Ray, the Hon'ble Member (Technical), Railway Claims Tribunal, Patna Bench, Patna in Case No. OA-00264 of 2005, whereby an application under section 16 of the Railway Claims Tribunal Act, 1987 for appropriate compensation due to Train Accident/untoward death of appellant's husband Late Kishun Prasad Yadav @ Kishun Yadav @ Kishun Prasad has been dismissed.

3. The claimant Shivrani Devi who is widow of Kishun Prasad Yadav had filed the case before the Railway Claims Tribunal, Patna Bench, Patna for compensation with averment that her husband Late Kishun Prasad Yadav was



travelling by Danapur-Howrah Express (Train No. 3232) down. He was travelling with a valid ticket. During course of travelling, he fell down from the train and died due to untoward incident as defined u/s 123(c) of the Railways Act, 1989.

4. Learned counsel for the appellant has submitted that the sole ground for rejection of the claim application filed by the claimant is that the claimant did not furnish documentary evidences to prove that she is legally wedded wife of the deceased Late Kishun Prasad Yadav @ Kishun Yadav @ Kishun Prasad. Learned counsel has further submitted that the documentary evidences, such as; Adhar Card, Voter I-card, Genealogical table, passbook of SBI, Ration Card, Passbook of Punjab National Bank, Laxmibai Samajik Suraksha Pension Post Office Savings Bank Passbook were filed in the Tribunal but due to mistake of bench clerk, it could not be annexed with the file. The learned counsel has annexed the xerox copies of those evidences with the interlocutory application from which, it becomes evident that the appellant is legally wedded wife of the deceased.

5. Considering the above-mentioned facts and circumstances, the order dated 06-03-2014 passed by the learned Railway Claim Tribunal, Patna Bench, Patna in OA



00264 of 2005 is set aside and, the matter is remanded back to the Tribunal for considering the documentary evidences of the appellant and dispose of the matter within a period of three months from the date of receipt/communication of copy of this order.

6. Accordingly, this Misc. Appeal stands disposed of.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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