

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No.184 of 2021

1. Shoshank Chaudhary, aged about 23 years, S/o-Late Bundel Choudary.
2. Jhan Devi, Aged about 41 Years, W/o-Late Bundel Choudary
3. Bitu Choudhary (Minor), Aged about 16 Years, S/o-Late Bundel Choudhary represented through his mother/natural guardian,
All Resident of village-Dhakdhaka, P.O.-Kasati, P.S.-Devipur, Distt.-
Deoghar (Jharkhand) Appellant(s)

Versus

The Union of India through the General Manager Eastern Railway, Kolkata,
having its office at Koilaghat Street, P.O. + P.S. – Koilaghat, Kolkata (W.B.)

.... Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s)	: Mr. Santosh Kr. Jha, Adv. Mr. Sumit Gautam, Adv.
For the Respondent(s)	: Mr. Shiv Kr. Sharma, Sr. Panel Counsel

09/Dated: 09th September, 2024

1. Heard the learned counsel for the parties.
2. The present miscellaneous appeal has been filed against the impugned judgment dated 13.02.2020 passed in Case No.O.A.(Ilu)/RNC/30/2019 by the Hon'ble Member (Judicial) Chandigarh Railway Claims Tribunal, Chandigarh, Circuit Bench at Ranchi, whereby the learned tribunal has dismissed the claim application of the applicants seeking compensation amount of Rs.8,00,000/- with interest from the date of filing of the claim application.
3. It appears that the accident has taken place in which the father of the claimant has died on 25.09.2018. The Tribunal has framed the following issues.
 - (i) Whether this case comes under jurisdiction of Ranchi Bench?
 - (ii) Whether the deceased was a bona fide passenger as alleged?
 - (iii) Whether the deceased had died due to alleged untoward incident?

(iv) Whether the applicant or other dependents of the deceased are entitled to get compensation?

(v) Relief ?

4. It appears that the other factors have not been disputed save and except the fact that the deceased has de-boarded the moving train. Since de-boarding from a moving train is not untoward accident accordingly claim of the applicant has been rejected. It has been found that otherwise the deceased was bona fide passenger.

5. It appears that the said finding has been recorded on the basis of DRM Report. This court has perused the DRM Report and it is nothing but error of record. DRM Report does not suggest that the deceased has de-boarded the moving train.

6. Thus the very basis of rejection of the claim is not sustainable rather is beyond the record. Accordingly, the impugned judgment dated 13.02.2020 passed in Case No.O.A.(IIu)/RNC/30/2019 by the Hon'ble Member (Judicial) Chandigarh Railway Claims Tribunal, Chandigarh, Circuit Bench at Ranchi, is hereby quashed and set aside.

7. Since the other issue has been settled in favour of the claimant entitling him for the compensation as per the law, the present miscellaneous application is hereby allowed and the respondents are directed to pay Rs.8,00,000/- with 7.5 per cent from the date of filing of claim till actual payment.

8. With above direction, the present miscellaneous appeal stands allowed and disposed of.

(Rajesh Kumar, J.)

Amar/-
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