

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.101 of 2023

In
Miscellaneous Appeal No.116 of 2018

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The Union of India through the General Manager, East Central Railway,
Hajipur

... .. Petitioner/s

Versus

Smt. Sapna Sharma Wife of Late Satyendra Kumar Sharma, Resident of
Village/Mohalla- Kautilya Nagar, Raja Bazar near P.V.B. College, P.S.- Hawai
Adda, Distt.- Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Verma, CGC
	:	Mr. Rakesh Kumar Sinha (CGC)
For the Opposite Party/s	:	Mr. Krishna Mohan Murari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-12-2025 Heard the parties.

2. The present petition has been preferred:

*“against the order dated 12.12.2022
passed in Miscellaneous Appeal No-116 of 2018
by the Hon'ble Court whereby and where under
the order dated 21.11.2016 as also order dated
21.12.2017 are modified to the extent that the
appellant shall be entitled to Rs. 8 Lakh if the
amount awarded with interest is less than it. It
was also directed that the amount that has
already been disbursed shall be deducted from
Rs.8 Lakh. If however it is found that Rs.4 Lakhs,*



*the amount already paid, shall not be recovered
from the appellant.”*

3. The husband of the the opposite party Late Satyendra Kumar Sharma was traveling with a valid train ticket, entered into Danapur Railway Station for going to Katihar. As there was announcement that the Capital Express will come on Platform No.3, the husband/deceased also came and boarded the train. Later, they realised that the wrong train has been boarded and it is moving in an opposite direction, actually it was an EMU Passenger Train and not Capital Express, chain pulling took place, the train was stopped and those boarded the wrong train, started alighting. As the husband/deceased also tried to alight, dashed with a pole and was crushed under the train. This followed the Claim Application No. MA (OA0081 of 2010) by his widow, Sapna Sharma against the Railways.

4. As per the information given by the learned counsel for the Railways, in the meantime, the compensation amount was increased from Rs. 4 Lakhs to Rs. 8 Lakhs effective from 01.01.2017. The Tribunal after hearing the parties came to the conclusion that the lady is entitled to Rs. 4 Lakhs with simple interest at the rate of 9% per annum from the date of filing of the application. This order came to be passed on



21.11.2016 i.e. prior to 01.01.2017. A review petition was filed in the matter by the Railways which came to be allowed on 21.12.2017. Thus, in principle, the order became effective on 21.12.2017 when the enhanced compensation amount of Rs. 8 Lakhs came into force.

5. It is not clear to the learned counsel for the Railways actually when the payment was made. Sapna Sharma subsequently came before this Court in Misc. Appeal No. 116 of 2018 which was disposed of on 12.12.2022, there was no appearance from her side but the Railways were present.

6. This Court looked into the matter and taking into account the order of the **Hon'ble Apex Court** in the case of **Union of India vs. Dileep and Ors.** reported in **SCC Online SC 2119**, it recorded in paragraph nos. 7 and 8 that now the appellant shall be entitled to Rs.8 Lakhs awarded with interest.

7. Now the review petition has been filed after lapse of more than a year and the submission is that opposite party was not entitled to Rs. 8 Lakh and the then learned counsel appearing for the Railways erred in conceding that the lady is entitled to Rs. 8 Lakh.

8. This Court repeatedly wanted to know the date when the payment was made, which the learned counsel for the



Railways failed to answer. It is to be reiterated that while the first order came to be passed on 21.11.2016, on the review petition filed by the Railways themselves, the second order came to be passed on 21.12.2017 and thus the finality took place in the month of December 2017. It is further to be noted that meanwhile, on 01.01.2017, the compensation amount already stood enhanced to Rs.8 Lakh.

8. In that background, both on the ground of delay as also on the ground of merit, no case of review is made out. Accordingly, the review petition is dismissed with a cost of Rs.2,000/- to be paid to Sapna Sharma.

9. The Railways shall be paying the left over amount of Rs. 8 Lakh to the lady by 31st January, 2026. Failure to do so, she shall be entitled to an additional cost of Rs.15,000/- effective 01.02.2026 beside 9% interest on the said amount till the payment is made.

10. The review petition as also Interlocutory Application, if any, stand dismissed.

(Rajiv Roy, J)

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