

Court No. - 4

Case :- FIRST APPEAL FROM ORDER No. - 90 of 2025

Appellant :- Najima

Respondent :- Union Of India Thru. General Manager
Northern Railway Baroda House New Delhi

Counsel for Appellant :- Manish Kumar Srivastava, Chandra
Prakash Singh, Saroj Kumari

Hon'ble Rajnish Kumar, J.

1. Heard, Shri Manish Kumar Srivastava, learned counsel for the appellant.
2. This Appeal has been filed assailing the judgment and award dated 18.12.2024 passed in Case No.OA/II/U/LKO/327/2021 (Najima Vs. Union of India) by the Railway Claims Tribunal, Lucknow Bench, Lucknow.
3. Learned counsel for the appellant submits that the deceased suffered serious injuries while coming from Bala Mau to Lucknow near Alamnagar Railway Station as she fell down from the train, in which her one leg was amputated but without considering the same and relying on the statutory report filed by the respondents on the basis of a hearsay evidence of husband of the appellant, the claim petition has been dismissed, which could not have been done.
4. I have considered the submissions of learned counsel for the appellant and perused the documents placed on records of this appeal.
5. The claim petition was filed alleging therein that the appellant was travelling from Bala Mau to Lucknow Junction on 21.08.2015 after purchasing the second class railway ticket. During journey, she fell down from the train near Alamnagar Railway Station and suffered serious injuries on account of which her one leg was amputated. Her ticket was lost in the incident. The claim petition was contested by the respondent on the ground that the appellant was not a bona fide passenger and she suffered injuries on account of her own negligence, therefore, she is not entitled for any compensation. Thereafter four issues were framed and evidence was adduced by the parties.
6. After considering the pleadings, evidence and material on

records, the learned tribunal has recorded a finding that the appellant is claiming that the incident occurred on 21.08.2015, while she was travelling from Bala Mau Junction to Lucknow Junction Railway Station near Alamnagar Railway Station, in which she suffered serious injuries. She was admitted in King George Medical University, Lucknow on 21.08.2015 and discharged on 03.09.2015, in which opinion is recorded revision of below knee amputation (R) and stump POP application (R)). The original medical papers were filed, according to which she was admitted on 07.09.2015 in the hospital and she was treated w.e.f. 09.09.2015 to 26.10.2015. The appellant also filed other medical papers but those papers do not indicate that the injuries were suffered in rail accident and a finding has been recorded by the tribunal that if a person is admitted in a hospital then the reason for injury is shown but it has not been shown in the medical papers submitted by the appellant.

7. The appellant also admitted in his evidence that her house is 200-300 meters away from Alamnagar Railway Station and on information of the incident when the Investigating Officer reached at the spot, he found that the appellant was being taken from the spot by her husband Mangu on her rickshaw for treatment, which has not been disputed by the appellant. It has also been recorded that the appellant was taken to the hospital by her husband and children. If the appellant was travelling from Bala Mau to Lucknow Junction Railway Station then the question of presence of the appellant's husband at the spot does not arise, who was taking the appellant to the hospital immediately after the incident, therefore, the plea taken by the respondent, that she had come from bus as stated by her husband and while she was crossing the railway track she was injured, seems to be correct. The appellant has also admitted in her evidence that the railway track is near her house and to cut short the distance she used to go from railway track.

8. The aforesaid findings recorded on the basis of pleadings and evidence of the appellant as well as respondent does not suffer from any illegality or error. The appellant has failed to prove herself a bona fide passenger and that she suffered the aforesaid injury in accident by falling from train. The appeal has been filed on misconceived and baseless grounds, which is liable to be dismissed.

9. The appeal is, accordingly, **dismissed**. No order as to costs.

(Rajnish Kumar, J.)

Order Date :- 4.3.2025 / Haseen U.