

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1135 of 2018

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Smt. Najbun Khatoon @ Najak Khatoon wife of Late Nathun Ansari @
Nathun Miya resident of Village- Pawana, PO and PS Pawana, District
Bhojpur.

... .. Appellant/s

Versus

The Union Of India, Through The General Manager, East Central Railway,
Hajipur Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

17 23-07-2026 Heard Mr. Krishna Mohan Murari, learned counsel for

the appellant and learned counsel representing the Railways.

2. The present petition has been preferred for the
following relief/s:

*Being aggrieved by and dissatisfied
with the order dated 06.08.2018 passed in
case No. OA0066/2010(C. No. 128/2010), the
learned Member (Judicial) and learned
Member (Technical) of the Railway Claims
Tribunal, Patna Bench at Patna Bench at
Patna, the appellant above-named begs to
prefer this memo of on the amongst other.*

3. The appellant's son according to the case met with
the train accident on 17.11.2009 and that led to his death. Case No.
164 of 2009 was registered by the Ali Nagar Police Station in
which no record of train/details of the deceased were incorporated.



Later, the mother moved before the Railway Claims Tribunal, Patna Bench (henceforth for short 'the Tribunal') which led to Case No. OA0066 of 2010 registered on 01.04.2010. The matter was taken up by 'the Tribunal' and it recorded the issues as follows:

(i) whether the deceased was a valid passenger;

(ii) whether the death comes within the Section 123(c)(2) of the Railways Act 1989;

(iii) whether the claimant is/was dependent upon the deceased;

(iv) whether she is entitled to compensation and if so, the amount.

4. The list that were produced included the:

(i) Panchayatnama report (A1);

(ii) Postmortem report (A2);

(iii) the Voter Identity Card of Najak Khatun (A3);

(iv) the Voter Identity Card of Ali sher Miya;

(v) Passbook (A5).

5. The claimant supported the claim put forward by her and recorded that her son, late Ali died of train accident while coming from Ludhiana. At the time of death, he was 25 years of age.

6. Though she accepted that the lady had no knowledge about the train number and/or the availability of ticket. She further



failed to provide any document issued by the Railways.

7. The Panchayatnama report recorded that the identity of the deceased is unknown and there is no document to support the claim that the unknown deceased of Panchayatnama is actually her son, late Ali. 'The Tribunal' in that background, came to the conclusion that the claimant has failed to put forward the case about the deceased died due to the accident having fallen from the train and thus the issue nos. 1 to 4 were decided against her. Accordingly, on 06.08.2018, the claim was rejected.

8. Aggrieved, the present appeal.

9. Learned counsel for the appellant submits that though the lady claimant (mother) was examined, the deceased brother, Ali Sher could not be examined and he could have thrown light on the entire episode. The submission is that if the matter is taken up again, the result may be different.

10. The Railways on the other hand have countered the said point put forward by the appellant. The submission is that a death took place, the Panchayatnama records it as the unknown dead body. The claimant has tried to make connection with the aforesaid Panchayatnama attributing it to her son. She had no knowledge about the train which was actually boarded by the son despite the claim that he was coming from Ludhiana, no valid ticket was ever produced. In that background, 'the Tribunal'



rightly rejected the claim.

11. Having heard the parties and going through the records, this Court is in conformity with the submissions put forward by the Railways. The Panchayatnama talking about unknown dead body cannot be assigned to the son of the claimant inasmuch as they failed to connect the said body with that of her son. No details of the train which the appellant boarded ever came to light nor the railway ticket was there.

12. 'The Tribunal' in that background, rightly reflected the claim. This Court do not find it fit and proper to interfere in the order and judgment dated 06.08.2018 passed by 'the Tribunal'. Accordingly, the M.A. No. 1135 of 2018 is dismissed.

(Rajiv Roy, J)

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