

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.770 of 2013

Kavita Devi W/O Late Deo Narayan Thakur Resident Of Village- Ekma, Po-
Ekma, Ps- Supaul, Distt.- Supaul Bihar

... .. Appellant/s

Versus

The Union Of India, through The General Manager, East Central Railway,
Hazipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Mohan Murari
For the Respondent/s : Mr.Tarkeshwar Nath Thakur (C.G.C.)

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

CAV JUDGMENT

Date : 09-05-2024

I have already heard the learned counsel for the
appellant.

2. At the time of hearing, none appeared for the
Union of India/Railways. Later on, the learned counsel for the
Railways appeared and he was asked to file written argument
within three days, but still it has not been filed.

3. The appellant/claimant, Kavita Devi filed an
application before the Railway Claims Tribunal, Patna Bench
for compensation of Rs. 4,00,000/- (Rupees four lacs) and
interest, as her husband died in a train accident. The claimant's
case in brief is that on 19.,05.2002, her husband fell down from
running train no. 156 (Summer Special) at Mokama railway
station and died at PMCH, Patna, in course of treatment.

4. The respondent/Union of India, through the
General Manager, East Central Railway, Hajipur, filed written
statement, pleading *inter alia*, that the deceased was not a *bona*



fide passenger. The learned Tribunal rejected the application on the ground that the deceased was not a *bona fide* passenger. It has been mentioned in the impugned order that in claim application it has been typed that the ticket was lost in the accident, but later on it was produced. It has also been mentioned in the order impugned that allegedly the deceased died on 19.05.2002, but the inquest report has been prepared on 21.05.2002.

5. The claim application has been filed in a printed proforma. In column no. 7, it has been mentioned that the ticket was lost, but when the ticket is exhibited as Ext.A/6), and there is no dispute about the genuineness or authenticity of the ticket, the veracity of the deceased of being a *bona fide* passenger, cannot be disbelieved merely due to entry in column no.7, in which it has been mentioned that the ticket was lost. There is no cross-examination on this point on behalf of the Union of India/Railways from the claimant, as such, the claim of the claimant/appellant that her husband was a *bona fide* passenger cannot be discredited. The post-mortem report and the death certificate is also available with the record, which show that the deceased lost his life in train accident.

6. From the above mentioned facts and



circumstances, the claimant/appellant successfully proved her claim, and she is entitled for compensation.

7. On the basis of above mentioned observations, the order dated 03.10.2013 passed by the Railway Claims Tribunal, Patna Bench in Claim Application No. OA 00049 of 2003, is set aside and the appeal is allowed.

8. The respondent/Railways/Union of India is hereby directed to pay the compensation to the claimant/appellant of Rs. 4,00,000/-(Rupees four lacs) with an interest at the rate of 6% per annum from the date of filing of the claim application before the Tribunal i.e. from 04.02.2003. The entire amount of compensation must be paid to the claimant/appellant within a period of two months from the date of receipt/communication of this order.

(Nawneet Kumar Pandey, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	15.02.2024
Uploading Date	09. 05. 2024
Transmission Date	

