



2021:JHHC:39756

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Miscellaneous Appellate Jurisdiction]

M.A. No. 581 of 2018

Mala Devi & Ors.

.... ..

Appellant(s)

Versus

Union of India through the General Manager, Eastern Railway, Kolkata

.. ... Respondent(s)

.....
CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

.....
 For the Appellant(s) : Mr. V. S. Jha, Advocate.

For the Respondents : Mr. Gautam Rakesh, Advocate

04 / 23.11.2020. Heard, learned counsel for the parties.

Learned counsel for the appellants has submitted that Railway Claims Tribunal, Ranchi Bench, Ranchi has wrongly decided the claim application vide judgment /order dated 20.06.2018 passed in Case No.OA(IIU)/RNC/24/2017.

Learned counsel for the appellant has further submitted that learned Tribunal has wrongly considered both the grounds i.e. the ground of bona-fide passenger as well as the ground of incident to be untoward incident as defined under Section 123(c)(2) of the Railways Act in the claim application.

Learned counsel for the appellants has further submitted that the deceased (Lakhan Podhar @ Poddar) was travelling on 18.11.2016 in Patliputra Express, 12024 DN from ex-Patna to Jasidih having a valid journey ticket No.URA 12466094. On 19.11.2016 in the midnight he fell down from the train accidentally near Tulsitanr Halt (TTN) and died at the spot though the ticket was seized by the GRP and the same has been mentioned in the inquest report at Column No.6 and cause of death was fall from running train as mentioned at Column No.9 which has been brought on record at Page No.31, but even then the learned Tribunal has wrongly given findings.

Learned counsel for the appellants has further submitted that the learned Tribunal has wrongly considered in the impugned order that if the deceased had actually fallen from the train and died, the driver of the train would never have been able to see a perfect body (without any injury mark) on the track as has happened in this case.

Learned counsel for the appellants has further submitted that when ticket vide ticket No.URA 12466094 has been recovered by GRP from the deceased who was travelling from ex-Patna to Jasidih which shows that the person may fall down from the train but the expert opinion given by the learned Tribunal is contrary to the medical evidence brought on record i.e. inquest report and the post-mortem report, as such, the impugned order may be set aside.



Learned counsel for the respondent-railway has prayed for four weeks' time to file counter-affidavit. 2021 JHHC:39756

Put up this case after four weeks.

However, no further adjournment shall be granted on any ground.

(Kailash Prasad Deo, J.)

Sandeep/R.S.