

(2003) 03 GAU CK 0003
In the Gauhati High Court
Case No : MAF No. 38 of 1999

P.K. Das

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 26-03-2003

Acts Referred:

Citation : (2003) 3 GLR 117

Hon'ble Judges : S.K. Kar, J

Bench : Single Bench

Advocate : H.P. Barman, for the Appellant; U.K. Nair, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Kar, J.—This is an appeal u/s 23 of the Railway Claims Tribunal Act, 1987 against the order dated 23.12.1998 passed by the learned Railway Claims Tribunal (RCT) in Application No. 618/98.

2. The appellant Shri P. K. Das, Purna Bhandar, New Market, Diphu booked one consignment of 9 bags of tea under PW Bill No. D635829 dated 25.7.1995 from Dibrugarh Town to Diphu. There was an abnormal delay in delivery and out of 9 bags of tea 6 bags were delivered to the consignee. The appellant preferred a claim of Rs. 5301.00 for 93 Kg of tea (3 bags containing 31 Kg each) at the rate of Rs. 57.00 per Kg, but the learned Tribunal dismissed the claim on an erroneous finding that notice was not served on the respondent. That it was not a fact that notice was not served. Hence this appeal.

3. I have heard both sides and perused the connected case records that was called for and forwarded. On perusal of the case records I find that no copy of notice was filed to prove prima-facie issue and service of notice before institution of the claim case. In the claim petition it was stated that copy of notice u/s 106 of R.A. in original was filed but no such copy of notice is traceable from the case record.

4. Accordingly, there is no merit in the appeal and it is dismissed upholding the findings of the learned Tribunal below.