
(2023) 07 OHC CK 0035
In the Orissa High Court
Case No : FAO No.325 Of 2017

Sri Karunakar Dewbedi

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 06-07-2023

Acts Referred:

Citation : (2023) 07 OHC CK 0035

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : D. Mohapatra, B.S. Rayaguru

Final Decision : Dismissed

Judgement

B. P. Routray, J

1. Heard Ms. D. Mohapatra, learned counsel for the Appellant-claimant and Mr. B.S. Rayaguru, learned C.G.C. for Union of India- Respondent.

2. Present appeal by the claimant, who is the husband of the deceased namely Mamata Dewbedi, is directed against judgment dated 23.06.2017 of Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar, passed in Case No.OA/IIU/99/2013, wherein learned Tribunal has refused to grant any compensation by disbelieving the case of the claimants.

3. According to the claimant-Appellant, his wife while travelling in a local train from Baleswar to Nabdeep Dham railway station via Kharagpur, on the way at Nabdeep Dham railway station, she accidentally fell down from the train at 10.00 a.m. on 2.4.2013. She was immediately taken to the local hospital and then referred to NRS Medical College and Hospital, Kolkata, where she succumbed to the injuries. A general class ticket bearing No.30257357 dated 01.04.2013 was produced by the claimant.

4. It is seen that no eye-witness either to the accident or travelling of the deceased in the train on the given date has been produced before the learned

Tribunal. A.W.1, the only witness examined on behalf of the claimant, is not a direct witness to the occurrence. Neither any inquest report nor post mortem report was produced before learned Tribunal. The nature of injuries resulting death of the deceased is thus remains unknown. It also remains unknown that who shifted the deceased to the hospital and where she was lying.

5. On the other hand, no such incident of fall of any passenger at Nabdeep Dham railway station has been reported to the station authorities or noticed by any official. The claimant is also unable to say the name of the train in which the deceased was travelling. As such, keeping in view all such lacunae, learned Tribunal has rightly concluded that the death of deceased concerning any untoward incident is not established. Accordingly, this Court does not find any merit in the appeal to interfere with the impugned award.

6. The appeal is dismissed.

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