

Ganesh Choudhary

Miscellaneous Appeal No.608 of 2014

FORUM

Patna High Court

ORDER DATE

08 Dec 2022

NOTE TYPE

Source extract

01 CONCLUDING COURT PASSAGE - SOURCE EXTRACT

16. This Court find force in the submission put forward by Mr. Alok Kumar Shahi that the statement of the claimant was that the train reached around 5 PM. How and under what circumstances, the same was recorded at 4.30 PM at Nalanda Medical College Hospital, Patna is not known but that cannot be the only basis for denial of the compensation in the background of the fact that the N.M.C.H., Patna, gave report about his entry on the date of accident i.e 5.2.2005 followed by his operation on 14.3.2005 and finally the discharge report on 28.4.2005. 17. Taking into account all the aforesaid facts in the considered view of the Court, 'the learned Tribunal' completely erred in denying the compensation amount to the appellant when admittedly there has been no denial that : (i) he was a bonafide passenger having monthly Ticket No. 007561279 having validity period from 12.01.2005 to 11.02.2005 as also; (ii) in course of his journey due to the push and pull/crowd of the passengers while de- boarding, he got injury and subsequent amputation of both the legs below the knee. 18. In the result, the order dated 25.6.2014 passed by 'the Tribunal' in O.A. No. 00083/2005 is hereby set aside. 19. The Railway Authorities are directed to pay Rs. 4 lakh with 9 per cent interest from the date of the filing of the application before 'the learned Tribunal' till the payment is actually made, the process shall be completed within a period of 60 days. 20. In the aforesaid circumstances, the M.A. No. 608 of 2014 is hereby allowed.

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