

रेल दावा अधिकरण, नागपुर पीठ, नागपुर
BEFORE THE RAILWAY CLAIMS TRIBUNAL: NAGPUR BENCH, NAGPUR
QUORUM: HON'BLE MISS R. SATHYABAMA, MEMBER (JUDICIAL)/RCT/NGP
HON'BLE SHRI SYED NISHAT ALI, MEMBER (TECHNICAL)/RCT/NGP

CASE NO. :OA (Ilu)/NGP/78/2019

Date of Filing - 07.03.2019
Date of Pronouncement - 26.09.2023

- APPLICANTS:**
- 1) Mahima wd/o Mahesh Kumr
Aged -29 yrs, Occu.-Housewife.
 - 2) Mayank s/o Mahesh
Aged -06 yrs, Occu.-Education.
 - 3) Ritik s/o Mahesh
Aged -05 yrs, Occu.-Nil.
 - 4) Panna Lal s/o Shivnath
Aged -60 yrs, Occu.-Labour.
 - 5) Ramkali w/o Pannalal
Aged- 57 years, Occu.- Housewife.

All R/o 463, Bada Dera, Bihuni Kalan,
Hamirpur (U.P.)-210506.

V/s

RESPONDENT: Union of India,
through General Manager,
Central Railway,
CST Mumbai.

Applicants by Adv. S.Chaudhari/Borkar.

Respondent by Adv. N.Lambat.

ORDER

The matter was registered on 07.03.2019 in OA No. **OA(Ilu)/NGP/78/2019**,
the original application is filed claiming compensation on account of death of the

deceased, namely Mahesh s/o Pannalal in an untoward incident happened on 09.08.2018.

After issuing the notice to the applicants on 26.03.2019, the case was posted for filing written statement on 25.04.2019. The respondent counsel filed Written Statement along with Statutory Report on 23.10.2019, the issues were framed on the same day and the matter was posted for Applicant Evidence on 05.12.2019.

It is seen that the present matter pertains to the year 2019 and the applicant counsel has been given number of opportunities to adduce the evidence since the year 2019 but during the proceedings, when the matter was listed for Applicant Evidence the applicant counsel remained absent on several dates i.e. on 23.3.23, 20.10.22, 25.5.21, 15.9.2020, and 4.8.2020 and the applicant counsel had not adduced the evidence even after the regular sitting till 18.5.2023. Hence, on 18.5.2023, in the interest of justice one last opportunity was granted to the applicant counsel to adduce the evidence and the matter was again posted for A.Evi on 17.07.2023. However, on 17.07.23 the applicant counsel in spite of giving a last chance prayed for an adjournment and the case was re-listed for A.Evi on 04.08.23 but again failed to adduce the evidence even on next three adjournments i.e. on 05.09.23, 15.09.23 and 26.09.23.

Today i.e. on 26.09.2023 also, inspite of repeated calls neither the applicant nor the counsel were present till 01.30 pm. In our considered view, the applicant has already been given number of opportunities as per rule-28 of the Railway Claims Tribunal (Procedures) Rules, 1989 for adducing the

applicant evidence but the applicant has failed to do so. In our considered view, it appears that applicant is not interested in pursuing the matter. Hence, by exercising the powers under Rule 18(1) of Railway Claims Tribunal (Procedures) Rules, 1989, the case is dismissed in default for non-prosecution. Hence, the case is dismissed for default for non-prosecution.

File to be consigned to the record-room.

(Syed Nishat Ali)
Member (T) RCT/NGP

Nagpur.

Date: 26.09.2023.

/SW/

(R. Sathyabama)
Member (J) RCT/NGP