

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.4526 of 2008(O&M)

Date of decision: 23.07.2016

Kaptan Singh

.....Appellant

versus

Union of India

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Somesh Gupta, Advocate for the appellant
Mr. Neeraj Madan, Advocate for the respondent

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This is the first appeal filed by the appellant against the judgment dated 5.2.2008, Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') vide which the application of the appellant for claim of Rs.four lacs was dismissed.

It is claimed that Sewa Kali mother of the appellant was to go from Etawah from Ludhiana on 9.7.2005. She purchased a valid second class ticket. In the process of boarding the train, since the train was moving, she slipped and fell down on the track and died at the spot. The accident took place at platform No.1 of Railway Station, Ludhiana.

In the reply, the respondents took the plea that the deceased did not die due to to railway accident. The applicant placed reliance upon the statement of Raj Kumar a Tea Vendor who stated that she fell down on the

railway platform while boarding the train when the train was still stationed at the railway station. Charan Singh son-in-law of the deceased had stated that the deceased fell down on the platform and nobody is to be blamed for the same. No injury was found on the person of the deceased. If she had fallen down there must have been some injury or amputation.

I have heard learned counsel for the parties and have also carefully gone through the file.

Perusal of the postmortem report as well as inquest report shows that there is no visible mark of injury on the dead body of the deceased. As per postmortem report, the cause of death is 'shock as a result of heat stroke'. The case of the appellant is that while boarding the moving train she fell on the track. If it is so, there must have been some injury on the person of the deceased. Even if, she fell from the train while boarding the moving train there must have been atleast some bruises. The fact that there was no injury and the cause of death is shock due to heat stroke shows that it is not a case of untoward incident involving the railway but the deceased died a natural death.

It being so, the claim application was rightly dismissed by the Tribunal. No ground to interfere in the present appeal. The same is dismissed accordingly.

23.07.2016
gk

(Kuldip Singh)
Judge