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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 304/2011**

MAHENDER SINGH & ANR Appellants

Through: **Mr.Yogesh Swaroop, Advocate**

versus

UNION OF INDIA Respondent

Through: **Mr.Joydeep Mazumdar, Mr.Debojyoti
Bhattacharya and Mr.Rohit Dutta,
Advocates for Northern Railways.**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **15.12.2016**

1. The appellants have challenged the judgment dated 25th March, 2011 whereby their application for compensation has been dismissed.
2. The parents of late Shishupal had filed an application for compensation before the Railway Claims Tribunal claiming that Shishupal was travelling in Express Train No.4545 from Old Delhi to Baghpat Road on 9th December, 2009. He was standing near the gate of compartment to get down and all of a sudden, he got heavy pressure from co-passengers due to which he fell down from the train.
3. The learned Tribunal held the claim to be not genuine on the ground that if a person falls from a running train, it is improbable that the body would be cut into two pieces from the neck. The learned Tribunal held that since the body of the deceased had been cut into two pieces – one above the neck and the head found lying by the side of the Railway track and the main body was found between the track, the claim was not genuine.

4. There is no infirmity in the findings of the learned Tribunal. This Court agrees with the view of the Tribunal that if the deceased fell from a running train, it is improbable that his body would be cut into two pieces from the neck and the full body below the neck would go between the two tracks.

5. There is no merit in the appeal. The appeal is accordingly dismissed.

DECEMBER 15, 2016
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J.R. MIDHA, J.