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

+ **FAO 407/2015**

USHA ANNARUSH @ USHA Appellant
Through: **Mr. A.P. S. Jadaun, Advocate**

versus

UNION OF INDIA Respondent
Through: **Mr. Arun K. Sharma and Mr. S.S.
Gangwar, Advocates**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
15.07.2016

C.M.28555/2015 (Delay)

There is delay of 233 days' in re-filing the accompanying the appeal.

For the reasons stated in paragraphs No.2 to 5, the application is allowed and the delay in filing the accompanying appeal is condoned.

FAO 407/2015

Impugned judgment dismisses appellant's claim petition by holding that appellant has failed to show that the deceased was bona fide passenger onboard in the train and his death was accidental. It is noted in the impugned judgment that number of tickets were recovered from the pocket of the deceased but the relied upon railway ticket bears the time of issue as 9.23 a.m. and the accident as per the DD No.26A was reported at

10.15 p.m. and the gap of more than 12 hours of the ticket does not stand explained.

Even at the time of hearing of this appeal, learned counsel for appellant could not offer any plausible justification for the time gap of more than 12 hours. In the absence of railway ticket, it is difficult for appellants to establish that deceased had died in railway accident.

Thus, finding no substance in this appeal, it is dismissed.

(SUNIL GAUR)
JUDGE

JULY 15, 2016

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