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

Date of Decision: August 19, 2016

+ FAO 245/2015

MUNI DEVI & ANR. Appellants

Through: Mr. Yogesh Swaroop, Advocate

versus

UNION OF INDIA Respondent

Through: Mr. Hashmat Nabi, Advocate

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT
ORAL**

1. Learned counsel for appellant makes an oral prayer for waiver of the cost imposed vide last order. This prayer is not opposed. The cost imposed vide last order stands waived.

2. Appellants' claim petition under the *Railways Claims Tribunal Act, 1987* stands dismissed vide impugned order of 19th January, 2015 while holding that the deceased was not a *bona fide* passenger. The challenge to the impugned order by learned counsel for appellant is to the finding in the impugned order that the ticket relied upon by the claimants from Hodal to Faridabad was admittedly purchased at 06:12 hrs. at Hodal and the accident took place in Faridabad at 06:40 hrs and that the distance of 56 kms. between Hodal and Faridabad cannot be covered in 28 minutes and even if an express train is running at the maximum speed of 110 kms per hour, it would take more than 30 minutes to cover this distance. To

assail the aforesaid finding, it is submitted by learned counsel for appellant that this is a case where the accident had taken place after purchase of the ticket and so, denial of compensation after purchase of ticket is unjustified. Nothing else is urged on behalf of the appellant.

3. Learned counsel for respondents supports the impugned order and submits that the instant case is of clear-cut procuring of some other railway ticket to claim the compensation and so, this appeal deserves to be dismissed.

4. Upon hearing and on perusal of the impugned order and the material on record, I find that the learned Tribunal has rightly concluded that it is not possible to cover 56 kms within 28 minutes and that it appears to be a case of deceased alighting from the train towards the railway tracks and then being hit by another train. Finding the deceased to be not a *bona fide* passenger, the claim petition has been rightly dismissed by the learned Tribunal, as the alleged eye witnesses also appear to be procured one and it does not appear to be a case of accidental fall from the train.

5. Finding no infirmity in the impugned order, this appeal is dismissed while leaving the parties to bear their own costs.

(SUNIL GAUR)
JUDGE

AUGUST 19, 2016

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