

**FAO No.950 of 2001**

**[1]**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

Sr. No.203

**FAO No.950 of 2001**

**Date of Decision: July 18, 2017**

PARAS RAM AND ANOTHER

...APPELLANTS

Versus

UNION OF INDIA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Ashok Bector, Advocate,  
for the appellants.

Mr. Karminder Singh, Advocate,  
for the respondent.

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**JASPAL SINGH, J.**

Aggrieved against the dismissal of claim application No.OA-II/54/1999 vide judgment dated November 22, 2000 moved under Section 16 of the Railway Claims Tribunal Act, 1987 (for short 'Tribunal'), appellants have preferred instant appeal.

2. Assailing the impugned judgment dated November 22, 2000 passed by learned Tribunal, Chandigarh, it has been argued

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with vehemence by learned counsel for the appellants that same is absolutely against the evidence available on record, settled canons of law and mis-appreciation of legal proposition has resulted into miscarriage of justice. In fact, it stands amply proved on record that appellants/applicants are none-else but father-in-law and mother-in-law of deceased-Lalita Devi, aged about 25 years, who died in railway accident occurred on November 26, 1998 near Khanna (Ludhiana) in the State of Punjab. While she was travelling from Jammu Tawi to Saharanpur in second class three tier compartment. Learned Tribunal has dismissed claim application on the sole ground that appellants/applicants cannot be termed to be dependants of deceased. But in the case in hand, it is proved on record that appellants/applicants who are father-in-law and mother-in-law of deceased Lalita Devi were completely dependants upon earning of deceased and due to her unfortunate demise at the age of 25 years, appellants/applicants are facing lot of hardships in survival and are not in a position to earn their livelihood. Thus, impugned judgment is not sustainable in the eyes of law and is liable to be set aside by way of acceptance of instant appeal.

3. On the other hand, Mr. Karminder Singh, Advocate for respondent has submitted that there is no infirmity, illegality or perversity in the impugned judgment and same is absolutely in consonance with settled proposition of law. In fact, learned Tribunal has rightly observed that appellants/applicants are not dependants of deceased Lalita Devi. The parents-in-law do not fall within the ambit

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of dependants as defined in the Act. Section 123-B of the Act defines the term of dependants of deceased passenger, which reads as under:-

*(b) “dependant” means any of the following relatives of a deceased passenger, namely:—*

*(i) the wife, husband, son and daughter, and in case the deceased passenger is unmarried or is a minor, his parent;*

*(ii) the parent, minor brother or unmarried sister, widowed sister, widowed daughter-in-law and a minor child of a pre-deceased son, if dependant wholly or partly on the deceased passenger;*

*(iii) a minor child of a pre-deceased daughter, if wholly dependant on the deceased passenger;*

*(iv) the paternal grandparent wholly dependant on the deceased passenger.*

4. A glance at the aforesaid provision transpires that parents-in-law are not dependants of deceased passenger. Moreover, Section 125 of the Act also makes it crystal clear that claim application has to be made to Claims Tribunal under the Act where death has occurred by any of the dependants of the deceased or where such a dependant is minor by his guardian. Since, parents-in-law have not been included in the list of dependants of the deceased as referred to above Section 123-B of the Act, appellants/applicants have no locus standi to prefer an application for compensation. They cannot be considered as parents for the purpose of Section 125 of the Act enabling them to prefer a claim application as their status do not figure in the Section 123-B of the Act. Thus, this Court is of the considered view that claim application

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has rightly been dismissed by learned Tribunal.

5.           Thus, this Court does not find any infirmity, illegality or perversity in the impugned judgment dated November 22, 2000.

6.           As a sequel of the aforesaid discussion, this Court does not find any merit in instant appeal. As such, it stands dismissed, whereby impugned judgment dated November 22, 2000 is upheld.

7.           No order as to costs.

**July 18, 2017**  
*Ankur*

**(JASPAL SINGH)**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether reportable**

**Yes/No**  
**Yes/No**