

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1684 of 2014 (O/M)
Date of decision : 9.1.2017

Union of India

..... Appellant

Versus

Ashok Kumar and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Vermani, Advocate, for the appellant.

Mr. Ashok Bector, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This appeal is directed by the Union of India against the judgment dated 14.8.2013, passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide which the claim application filed by the applicants-respondents was allowed and a compensation to the tune of Rs. 4,00,000/- was allowed to the father and mother of the deceased in equal share alongwith interest.

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

In this case, one Harish Kumar was travelling with his friend Vinod Kumar on 3.8.2011. According to the case of the applicants, the deceased was having a valid ticket and travelling from Mandhali to Nawan Shahr. Due to heavy rush in the train, Harish Kumar was standing near the door of the compartment. Due to jerk, his certificates fell down and in

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this process, he also fell from the train and died at the spot. In this case, Vinod Kumar, the eye witness, was examined, who had testified that due to heavy jerk at Banga railway station, the documents of Harish Kumar fell down and in the process of collecting the documents, Harish Kumar also fell down from the train and came under the train on the opposite side. The Tribunal has discussed the evidence and came to the conclusion that the deceased fell down from the train and that the deceased was neither negligent nor tried to commit suicide.

After going through the record of the Tribunal, I am of the view that there is no error or illegality in the judgment of the Tribunal. The Tribunal has relied upon the report of the railway police, post mortem report, inquest report as well as the statement of Vinod Kumar (eye witness) to hold that when the deceased was standing on the door coach due to jerk, his certificates fell down and in this process probably he lost his balance and also fell down. Therefore, this case does not fall in any of the exceptions mentioned in Section 124-A of the Railways Act to decline the compensation. There is strict liability on the part of the railways to compensate the legal heirs of the deceased passenger. There is no ground to interfere in the impugned judgment. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

9.1.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No