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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 8406 of 2014 (O/M)

Date of decision : 15.5.2017

Union of India

..... Appellant (s)

Versus

Sarabjeet Kaur and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Upender Prashar, 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)

Heard.

The brief fact of the case are that on 12.3.2011, Pargat Singh (since deceased) reached Patna Sahib railway station on pilgrimage from Amritsar to Patna Sahib, from where he boarded Patna Mumbai Express to reach Manmad railway station, from where he was to catch a train for Nanded. When the train reached between Mahasawad Railway Station and Mehji Dom Gaon Gate in District Jalgaon, at KM No. 397/22-24, the deceased fell down from the running train and died at the spot. The dead body was detected by a railway employee. The Railway Claims Tribunal, after appreciating the evidence, allowed the claim application against which Union of India has come up in the appeal.

The Union of India has assailed the present appeal on two grounds, one is that no ticket was found from the dead body and in this way

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the deceased was a ticketless passenger and was not a bonafide passenger. The second ground is that the deceased was standing on the door of the gate and he himself was negligent, for which railway is not responsible.

After examining the record of the Tribunal, I am of the view that the post mortem report shows that the left hand of the deceased was amputated from elbow. There were injuries on the right hand and left foot. The backside of the body was having injuries indicating that the deceased died as a result of fall from the train. In these circumstances, when the part of the body was cut into pieces, the loss of ticket was possible. The deceased was going from Amritsar to Patna Sahib and it is unlikely that he will not have a ticket in such a long halt train. There is no illegality or infirmity in the judgment of the Tribunal. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

15.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No