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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 33/2018 & CM APPL. 3519/2018**
UNION OF INDIA

..... Appellant

Through: Mr. Himanshu Kaushik, Advocate proxy
counsel for the appellant.

versus

AMIT KUMAR & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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29.01.2018

The learned counsel appearing for the appellant states that he has the requisite authorization to argue the case.

This appeal impugns an award dated 16.11.2017 allowing the claim petition of the respondent apropos the demise of their mother in a train accident. Smt. Rakesh Devi, the deceased held a valid MST- a monthly ticket for a to and fro journey between Khekra and Delhi - for the period from 27.03.2017 to 26.04.2017. On 28.03.2017, she was travelling from Khekra to Delhi by the Shamli-Delhi Passenger train, when she fell off the train on platform no.8/9 of the Old Delhi Railway Station due to a sudden jerk of the train and a thrust from inside the train compartment. She got fatally injured and later succumbed to her injuries. The only dispute raised by the Railways apropos the claim is that the deceased was seen by the GRP officer as trying to de-board from the moving train, a dangerous act which no rational person would have undertaken in their right mind. It was a self

inflicted injury, hence, the Railways cannot be held liable for the same. The Railways relied upon a report dated 4th July, 2017 i.e. about three and a half months after the accident. It led evidence to prove that the passenger was trying to de-board a moving train. After considering the same, the Tribunal was of the view that the demise of the deceased by a fall from the train is not disputed, hence there was no reason to suspect that any of the exceptions to Section 124A of the Railways Act were attracted. It believed the claimant's case that the deceased fell due to sudden jerk and thrust from inside the train compartment. She being a bonafide passenger, the Railways was found liable for the accident. Accordingly, an amount of Rs.8.00 lacs with interest @ 6% per annum from the date of filing of the claim petition till the date of the order and thereafter interest @ 9% per annum up to the date of payment has been awarded.

In this appeal the same arguments are repeated on behalf of the Railways. No evidence is shown to lead to a different reasoning or conclusion.

In view of the above, the Court finds no reason to interfere with the compensation awarded. The appeal being without merit, is dismissed.

NAJMI WAZIRI, J

JANUARY 29, 2018/acm