

FAO-4276-2008

Date of decision: 28.01.2020

Raj Rani and another

.....Appellants

versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Somesh Gupta, Advocate
for the appellants.Ms. K.K. Kahlon, Advocate
for the respondent-UOI.**FATEH DEEP SINGH, J.**

The appellants-Raj Rani, the widow and her minor daughter-Rekha Rani, instituted a claim against the respondent-Union of India seeking compensation for the death of Attar Singh, on account of untoward accident. The Railway Claims Tribunal, Chandigarh Bench, through impugned findings dated 31.12.2007 dismissed the claim. The same is subject matter of challenge before this Court.

Heard learned counsel of both the parties.

It is there in the claim and is not controverted by the

respondent that the unfortunate incident, resulting in death of the deceased, took place on 24.08.2002. It is the claim of the claimants that the deceased was going from Sangrur to Sunam by train No. 10LJH and around 12 o'clock, when the deceased was alighting from the train at Sunam, he slipped from the train and fell on the track and died. To the very specific query of the Court, learned counsel for the appellants could not convince this Court, how the deceased was a *bonafide* passenger, as even at the time of this incident, the GRPF in its recovery memo, did not recover any valid train ticket from the dead body nor during the course of evidence, one has been proved on the records. There is no eyewitness to this sordid episode and what the authorities in the primary inquiry have observed that it was the fact that the deceased was run over by the train in question. The Tribunal has rightly gone through the evidence and the records and the fact that even after the accident, the dead body was never identified and was cremated by the authorities on their own and much after the death, the appellants have laid claim certainly keeps the Court on its guard. It has been rightly held by the Tribunal that in the absence of any substantial evidence, as to the relationship of the claimants to the deceased, is also one of the core factors in this case.

Learned counsel for the appellants could not convince this Court as to any misinterpretation of the evidence or wrong

application of the law necessitating intervention by this Court. There appears to be no illegality and the appeal, being hopelessly without merits, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

28.01.2020
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No