



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**FIRST APPEAL NO. 933/2010**

The Union of India, General Manager, South Central Railway, Secunderabad  
Vs.

Smt. Tarabai Wd/o Shankarrao Patil and another

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri S.A. Choudhari, Advocate for appellant  
None for respondents

**CORAM : SMT. M.S. JAWALKAR, J.**

**DATE : 09/06/2023**

Heard learned Counsel for appellant.

2. None for the respondents.

3. Present appeal is filed by Union of India, being aggrieved by the judgment passed by Railway Claims Tribunal, Nagpur in Claim Application No. 70/OA-II/RCT/NGP/2008 dated 21/08/2009. The only ground appears to file present appeal is that the Tribunal wrongly held that ticket was valid and granted compensation. It is the contention of the appellant that the only found of ticket was of date 18/12/2007, whereas deceased was travelling on 20/12/2007. Therefore, the learned Tribunal ought to have held that there was no valid ticket.

4. I have perused the record and judgment passed by learned Lower Court. There is no apparent error or illegality in the judgment passed by Railway Claims Tribunal.

It has rightly appreciated that it is not proved by the respondents that only found of ticket dated 18/12/2007, the deceased was not travelling on 20/12/2007. It is further observed that “it is clearly mentioned in the Accidental Death Report that the date is not clearly seen on ticket 41773 from Kharkhedi to Umari and the said ticket was found in the deceased purse that means deceased was travelling on that ticket.” It is also a matter of record that the deceased was travelling on that ticket but printed date cannot be seen clearly. As such, Railway Claims Tribunal extended benefit in favour of claimants and awarded compensation of Rs.4,00,000/-. As such, there is no substance in the first appeal.

Paragraph No. 5  
added as per Hon'ble  
Court's order dated  
18/04/2024.

5. However, in view of the Notification dated 22/12/2016, the respondent is entitled for amount of Rs.8 Lakh, out of which Rs.3,24,850/- came to be deposited to 08/11/2010. Therefore, appellant to pay amount of Rs.4,75,150/- (Rupees Four Lakh Seventy Five Thousand One Hundred Fifty Only) in the Court. The respondents are entitled to receive the amount of Rs.3,24,850/- (Rupees Three Lakh Twenty Four Thousand Eight Hundred Fifty Only) along with accrued interest thereon and amount of Rs.4,75,150/-, which appellant will deposit within a period of four weeks. Appeal stands dismissed.

(SMT. M.S. JAWALKAR, J.)

Note : As per order dated 18/04/2024 in Civil Application No. 47/2024, corrected order is hereby uploaded.

**(JAYASHREE PETHE)**  
**P.A. to Hon'ble Judge**