



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3583 OF 2023

Dhanishtha Devendra Joshi & Anr.

... Petitioners

Versus

General Manager, Western Railway & Anr.

... Respondents

Dr. Prakash K. Deshmukh for the petitioners.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 28 February, 2024

P.C.

1. This Writ Petition under Article 226 of the Constitution is filed praying for the following reliefs:

“a) This Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction to the respondents and order them to pay compensation to the petitioners for the loss suffered by the petitioners towards the educational expenses of petitioner no. 1 and towards loss of one year of her carrier upon examining the supporting documents in relation to the said expenses as set out in the statement Exhibit-Q hereto.

b) Pending the hearing and final disposal of the petition, the respondents be directed to deposit in this Hon’ble Court such amount as may be deemed fit and proper by this Hon’ble Court and to allow the petitioners to withdraw the said amount.

c) Interim and ad-interim reliefs in terms of prayer clause (b) be granted.”

2. The petitioner No.1 is claiming to be a victim of an unfortunate incident of stampede which had taken place at Elphinstone Road Railway Station foot-over bridge on 29 September 2017. The petitioner No.2 has approached the

Railway Claims Tribunal, Mumbai Bench by filing Claim Application, which has been allowed by an order dated 1 May, 2018 in which the petitioner No.1 was granted compensation of Rs.1,30,000/- which has been received by petitioner No.2. The petitioner No.2 however challenged the order of the Railway Claims Tribunal by filing First Appeal, being First Appeal No. 72 of 2019, which was disposed of by the learned Single Judge of this Court by an order dated 28 February, 2023, wherein the Court considered the plea as raised by petitioner no.2 of the higher compensation to be paid to petitioner No.1 and while disposing of the First Appeal has observed that it will be open for the petitioner No.2 to approach appropriate Court by adopting appropriate proceedings for appropriate reliefs.

3. In our opinion, the prayer as made in the petition cannot be adjudicated in the proceedings of Writ Petition which would involve quantifying the actual loss suffered by petitioner No.1 as prayed for in prayer clause (a). We, accordingly, dispose of this petition keeping open all contentions of the petitioners and permit the petitioners to adopt appropriate remedy as may be available in law. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)