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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 04th September, 2024***

\+ FAO 270/2022

SMT. SHANTI DEVI .....Appellant

Through: Mr. Jagjit Singh and Mr. Preet Singh, Advocates.

versus

UNION OF INDIA .....Respondent

Through: Ms. Arti Bansal, Mr. Kamal Digpaul, Mr. Pushpesh Digpaul and Ms. Akanksha Kumari, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

1. A claim petition had been filed by Smt. Shanti Devi under Section 16 of Railway Claims Tribunal Act, 1987 seeking compensation for the death of her son in an untoward incident which took place on 30th April, 2018.

2. According to the claimant, her son was a daily passenger and was travelling from Nangloi to Kishanganj when the incident in question had taken place right at platform No. 2 of Nangoli Station.

3. In support of her claim, she entered into witness box but did not examine anyone else. It is apprised that respondent/railways also did not examine anyone and on the basis of the evidence given by the parties, learned Tribunal came to the conclusion that the passenger in question was neither a *bonafide* passenger nor a victim of any untoward incident.

4. It is also mentioned in the order that as per the Station Master, he had been informed by some passengers that rather one person had *"jumped in front of Chindwara Express"* and, therefore, according to the respondent, perhaps it was a case of suicide.

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5. During course of the arguments, learned counsel for the appellant has stated that the appellant could not pursue the matter in the desire manner before the learned Tribunal and she could not examine the concern driver and Station Master besides few official witnesses and their examination would have clearly indicated that it was a case of an untoward incident.

6. Learned counsel for the respondent has though opposed the aforesaid verbal request being belated in nature but she leaves it to this Court to pass appropriate order.

7. Keeping in mind the overall facts and circumstances of the case and the nature of the request made today and the fact that Railways Act is a piece of beneficial and welfare legislation and every opportunity should be given to claimant to ascertain the truth, the impugned order is set aside and the appellant/claimant is granted one opportunity to examine the concerned Driver, Station Master and the Offical witnesses who had prepared the site plan and taken the photographs of the spot at the relevant time.

8. The parties are acordingly directed to appear before the learned Tribunal on 7th October, 2024.

9. The list of witnesses in this regard would be submitted by the claimant before the learned Tribunal same day and it is expected that learned Tribunal would give one effective opportunity to claimant/appellant to examine all such witnesses and then to re-hear the arguments and to dispose of the matter.

10. The appeal is accordingly, disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 4, 2024/ss

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