

Court No. - 6

Case :- FIRST APPEAL FROM ORDER No. - 295 of 2024

Appellant :- Smt. Kamla Devi And Others

Respondent :- Union Of India Thru. General Manager, North Central Railway, Prayagraj

Counsel for Appellant :- Vishal Tahlani, Manish Tripathi

Hon'ble Rajnish Kumar, J.

1. Heard Sri Vishal Tahlani, learned counsel for the appellants.
2. This appeal has been filed against the judgment and order dated 31.05.2024 passed in O.A/II/935/2015; Smt. Kamla Devi & Others versus Union of India passed by the Railway Claims Tribunal, Lucknow Bench, Lucknow, by means of the which claim petition of the appellants has been dismissed.
3. Learned counsel for the appellants submits that son of the deceased had given evidence that the deceased had purchased ticket before him and kept it with him, which was lost in the accident but the learned tribunal without considering it dismissed the claim petition on the ground that the appellants have failed to prove that the deceased was a bonafide passenger, therefore the judgment and order passed by the learned tribunal is not tenable and liable to be set aside.
4. Having considered the submissions of learned counsel for the appellants, I have perused the records.
5. The claim petition was filed claiming compensation on the ground that the deceased Suresh Chandra i.e. husband of the appellant no.1 and father of the appellants no.2 to 4 had suffered serious injuries by falling from the Shikohabad-Kanpur passenger train while he was going from Achalda to Kanpur Central Railway Station on 08.08.2015. He had purchased the ticket of second class and traveling as a bonafide passenger. The son of the deceased i.e. appellant no.2, Akash Kumar appeared as AW 2. He in his affidavit filed in evidence, stated that he had accompanied his father to the railway station to leave him. His father had purchased second class ticket before him and thereafter boarded on Shikohabad-Kanpur passenger train for Kanpur Central Railway Station. However, in the cross examination he stated that his father was traveling on 08.08.2015. He was going to Kanpur Central. He left home stating that he was going to see a boy for his daughter. He was going alone. He had gone to leave him but he does not know as to on which train he had boarded. He had purchased ticket

himself and kept it with him, and on information from the police station Achalda, he came to know that he fell down from train.

6. In view of above, it is apparent that A.W.2 has given contradictory evidence as in the affidavit filed in evidence, he stated that he had accompanied his father to station to leave him and he had purchased second class ticket before him and he had boarded in Shikohabad-Kanpur passenger for Kanpur Central from Achhald, whereas in the cross examination he has admitted that his father had gone alone and he does not know the train on which he had boarded. Therefore the evidence of A.W.2 shows that he is not disclosing the correct facts. Learned tribunal after considering the evidence of A.W.2 has recorded a finding that the appellants have failed to prove that the deceased was a bonafide passenger and dismissed the claim petition. This Court does not find any illegality or error in the finding so recorded on the basis of evidence and material on record. Learned counsel for the appellant has failed to show anything contrary to it.

7. In view of above, this Court is of the view that the appeal has been filed on misconceived and baseless grounds, which is liable to be dismissed.

8. The appeal is, accordingly, **dismissed**.

Order Date :- 20.9.2024

Akanksha Sri.