

FAO-3847-2018 (O&M)

2025.PHHC:075604



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3847-2018 (O&M)
Date of decision :25.04.2025

Dharam Bir & anr. Appellants

Versus

Union of India & anr. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Atul Bhatia, Advocate
for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.1-UOI.

PANKAJ JAIN, J. (ORAL)

1 The appeal is directed against the award dated 05.12.2017
passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2 Claimants have assailed the award dismissing their claim
petition filed seeking compensation on account of death of Nanak Chand in
an untoward incident dated 07.04.2014. As per the claimants Nanak Chand
boarded train for travelling from Hodal railway station to Kosi. The ticket
was purchased and handed over to the deceased by Jai Dev. After train
reached between Hodal and Kosi at KM No.1449/13 (between Hodal-Kosi)
on account of sudden jerk deceased accidentally fell down from the train and
died on the spot. The claimants thus claimed compensation on account of
death of Nanak Chand in an untoward incident while travelling as a bonafide



passenger. The claim was contested by the railways denying that the deceased was a bonafide passenger or was a victim of any untoward incident.

3 On the basis of the pleadings, following issues were framed :-

“1) Whether the deceased was a bonafide passenger of the train at the time of incident?

2) Whether the alleged incident is covered within the ambit of Section 123(c) read with section 124-A of the Railway Act?

3) Whether the applicants were the sole dependents of the deceased?

4) Relief.”

4 The Tribunal answered issue No.1, 2 & 4 against the claimants and dismissed the claim petition.

5 I have heard counsel for the parties and have gone through the records of the case.

6 In order to prove the case, the claimants heavily relied upon testimony of Jai Dev who is stated to have accompanied the deceased and purchased ticket for him. As per Jai Dev the deceased was made to sit in the train that left Hodal Railway Station at 06.45 AM. However, as per record of Station Master Hodal no train passenger or any Mail train went towards Kosi from Hodal from 06.00 AM to 12 Noon. In view of the statement of Jai Dev, the Tribunal has rightly found that the falsity of the case of the claimants is enough to pull down their claim.

7 Finding no merits in the present appeal, the same is ordered to be dismissed.

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8 Pending miscellaneous application, if any, also stands disposed off.

25.04.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No