
(2013) 09 RAJ CK 0124

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 381 of 2002

Union of India

APPELLANT

Vs

Smt. Shiv Kumari and Others

RESPONDENT

Date of Decision : 24-09-2013

Acts Referred:

Citation : (2013) 09 RAJ CK 0124

Hon'ble Judges : Bela M. Trivedi, J

Bench : Single Bench

Advocate : G.S. Brijwasi, for the Appellant; Ajay Shukla and Mr. Deepak Goyal, for the Respondent

Final Decision : Dismissed

Judgement

Bela M. Trivedi, J.—The present appeal has been filed by the appellant-Union of India u/s 23 of the Railway Claims Tribunal Act, 1987, challenging the order dated 14.12.2001 passed by the Railway Claims Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as "the Tribunal") in claim case No. OA-II-23/1999, whereby the Tribunal has awarded the compensation to the tune of Rs. 4,00,000/- with interest @9% for the death of Sh. Shiv Ram Bohara, who died in the accident. The short facts giving rise to the present appeal are that the deceased Shivram Bohara was a bonafide passenger travelling with second class ticket No. 03926034 dated 12.1.1999 with sitting reservation vide S. No. 116507. He got down at Makrana station for getting Tea and Newspaper. While boarding the train, he could not board properly due to heavy rush. As a result of which he fell down from the running train and died.

2. The Tribunal after considering the evidence available on record held that the deceased was a bonafide passenger who fell down from the running train and hence his case was covered under the "untoward incident" within the meaning of Sec. 123(c) for the purpose of Section 124A of the Railways Act, 1989.

3. Learned counsel for the appellant has sought to submit that the case of the

deceased would fall under the proviso to Section 124A of the Railways Act, which would disentitle the claimants to claim compensation under the said provision. According to him, the deceased had died on account of his own negligence which should be construed as the self inflicted injury and hence the proviso would come into play. On the other hand, learned counsel for the respondents-claimants while supporting the order passed by the Tribunal submitted that the deceased had died in an untoward incident and hence the claimants were entitled to the compensation for his death.

4. Having regard to the submission made by the learned counsels for the parties and to the impugned order passed by the Tribunal, it appears that it was not disputed by the appellants that the deceased was a bonafide passenger of the train in question. Now Section 123(c) of the Railways Act defines "untoward incident" to include the accidental falling of any passenger from a train carrying passengers, and Section 124A of the Said Act lays down strict liability or no fault liability on the railway administration to pay compensation to the dependent of the passenger who died on account of such untoward incident, or to the passenger who received injuries on account of such untoward incident. If the case falls within the purview of Section 124A, it is not relevant as to who was at fault. Of course, no compensation shall be payable under the said provision, if the case falls under any of the grounds mentioned in the proviso to the said Section 124A, however, in such case the burden would be on the railway authorities to prove that the case fell under the proviso. It is also well settled proposition of law that beneficial or welfare statutes should be given a liberal interpretation which is in consonance with the object of the Act, and for the benefit of the persons for whom the Act is made.

5. In the instant case, the learned counsel for the appellants having failed to point out that the deceased had died on account of any of the reasons mentioned in the proviso to Section 124A, and the respondents-claimants having established that the deceased was a bonafide passenger, who died on account of the untoward incident, the appellant authorities were liable to pay the compensation under the said Act. In that view of the matter, this court does not find any substance in the appeal. It being devoid of merits deserves to be dismissed and is hereby dismissed.