

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A.No.502 of 2015

1. Smt. Kripa Rani Upadhyay.
2. Shreya Kumari.
3. Paspati Devi.
4. Abhishek Kumar.Appellants
-Versus-
Union of India through the General Manager, Northern Railway, N.D.C.R. Building,
P.O.+P.S. New Delhi.Respondent

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

For the Appellants :Mr. Vijay Shankar Jha, Advocate.
For the Respondent :Mr. Abhishek Dubey, Advocate.

08/ 28.02.2019 Mr. Vijay Shankar Jha, learned Counsel for the Appellants assailing the impugned order submits that the instant case is a case of death on the Railway crossing. Admittedly, the deceased died on his way to reaching his destination for boarding Train for his onward journey.

Further, it has been argued by Mr. Jha that this case is squarely covered by the case of "*Union of India vs. Ahalya Prusti & Anr.*", reported in 2010 ACJ 928 and as such the claimants are entitled for compensation.

Mr. Abhishek Dubey, J.C. to Mr. Mahesh Tewari submits that it is not a case falling under the provision of Section 124 A of the Railway Amended Act, 1994 and does not fall within the four corners of the definition of '*untoward incident*' as per Section 123 (c) of the Railway Act. Admittedly, the death occurred neither from falling down nor during boarding of the train which the Appellants claim rather the death occurred at a far away place at the time of crossing the Railway crossing for which he was having no valid ticket neither it was produced.

Having heard the parties, this Court is of the considered view that no interference is warranted in the judgment of the Tribunal. The order and judgment dated 05.08.2015 is hereby affirmed. Resultantly, the appeal fails and dismissed.

L.C.R. be returned to court below.

[Dr. S.N.Pathak,J.]

P.K.S.