



IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.270 of 2020

Maleena Gandhi & Ors.

.....

Appellant(s)

*Mr. Subrat Satpathy,
Advocate*

-versus-

Union of India

.....

Respondent(s)

*Mr. P. K. Parhi, DSGI
Along with
Mr. D. Gochhayat, CGC*

CORAM:

THE HON'BLE DR. JUSTICE S.K. PANIGRAHI

ORDER

26.03.2025

Order

No.

05. 1. This matter is taken up through hybrid arrangement.
2. The present appeal at the instance of the claimants/
 appellants is directed against the judgment dated
 08.01.2020 passed by the learned Railway Claims
 Tribunal, Bhubaneswar Bench, Bhubaneswar in Case
 No.OA(IIU)/310/2016.
3. Heard.
4. The brief fact of the case is that on the date of incident
 i.e. on 06.12.2016, the deceased after purchasing a valid
 journey ticket, started journey from Titlagarh to Raipur,
 boarded Train No.18425 Puri-Durg Express. The said



train was over-crowded. When the train halted at Khariar Road Station, the deceased de-boarded the train to have a bottle of water. While he was trying to re-board the train, it started moving and he could not went inside the compartment and accidentally fell down from the train and died as a consequence thereof. The GRP authorities initiated inquest proceedings on receipt of memo from Station Superintendent, Railway Station Khariar road dated 06.12.2016, intimating about fall of deceased from the train. As per the conclusion drawn in DRM's report, the deceased was travelling in the train with a valid journey ticket. In the detailed report of Lalan Prasad Singh, SI/RPF, the journey ticket along with a number of other articles were recovered from the deceased during inquest proceedings. Therefore, it is held that the deceased was having a valid journey ticket for his travel in the train and as such, was a bonafide passenger.

5. Learned counsel for the Appellants submits that the learned Tribunal had awarded a sum of Rs.8,00,000/- in favour of the Appellants. However, the Appellants were permitted to withdraw only 10% of the awarded amount. He further submits that since the Appellants were suffering from various diseases, they may be permitted to



withdraw their entire share as awarded in the above noted judgment.

6. In such view of the matter, this Court modifies only that part of the judgment dated 08.01.2020 passed by the learned Railway Claims Tribunal, Bhubaneswar Bench, Bhubaneswar in Case No.OA(IIU)/310/2016 and directs that the Appellants/claimants will be permitted to withdraw 50% of their share as awarded in the judgment dated 08.01.2020.

7. This FAO is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

Sumitra

Signature Not Verified

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Signed by: SUMITRA NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Mar-2025 18:17:21

