

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 2154/2020

Union Of India Through The General Manager, North Western
Railway, Jaipur (Raj.)

----Appellant

Versus

1. Smt. Lalita Devi W/o Late Shri Kishanlal Yadav, Aged About 52 Years, R/o 85, Nahargarh Kile Ke Neeche, Purani Basti, Mohan Nagar, Middle Police Line, Police Station Nahargarh District Jaipur (Raj.)
2. Kumari Shakuntala D/o Late Shri Kishanlal Yadav, R/o 85, Nahargarh Kile Ke Neeche, Purani Basti, Mohan Nagar, Middle Police Line, Police Station Nahargarh District Jaipur (Raj.)
3. Kumari Soni D/o Late Shri Kishanlal Yadav, Aged About 20 Years, R/o 85, Nahargarh Kile Ke Neeche, Purani Basti, Mohan Nagar, Middle Police Line, Police Station Nahargarh District Jaipur (Raj.)
4. Master Rajkumar S/o Late Shri Kishanlal Yadav, Aged About 18 Years, R/o 85, Nahargarh Kile Ke Neeche, Purani Basti, Mohan Nagar, Middle Police Line, Police Station Nahargarh District Jaipur (Raj.)
5. Smt Poonam Yadav Wife Of Shri Sonu Yadav, D/o Late Shri Kishanlal Yadav, Aged About 31 Years, R/o Ganga Sagar, Post Pura, Tikari, District Gaya (Bihar).

----Respondents

For Appellant(s)	:	Mr. Dhoop Singh Poonia through VC
For Respondent(s)	:	

HON'BLE MR. JUSTICE ABHAY CHATURVEDI

Order

26/08/2020

As per the office report, the appeal has been filed after 14 days of the limitation and the application filed under Section 5 of the Limitation Act has been filed.

Heard learned counsel for the appellant.

It is submitted by the learned counsel for the appellant that due to Covid-19 the appellant could not file appeal within time.

Having regard to the submissions made by the counsel for the appellant and grounds mentioned in the application the application under Section 5 of the Limitation Act is allowed and delay in filing the appeal is condoned.

Heard on admission.

It is submitted by the learned counsel for the appellant that the deceased was not having valid railway journey ticket so, he was not a bona fide passenger of the train. It is further submitted that unless the deceased is held to be the bona fide passenger of the train after obtaining valid railway journey ticket, the claimed petition for compensation for the death in accident is not maintainable.

Issue notice to respondents, returnable within 4 weeks.

In the meanwhile, the execution of award dated 03.03.2020 shall remain stayed provided the appellant deposits of the entire amount under the award within a period of 3 weeks.

On deposit of the amount by the appellant under this order, 50 per cent of the amount shall be disbursed to the claimants-respondents on furnishing solvent security and undertaking to the effect that in case the appellant is succeeded in appeal they will return the amount so received under this order with interest @ 6 per cent p.a. from the date of withdrawal. The remaining 50% of the award amount be deposited in the F.D.R. in a Nationalized

Bank for a period of one year, which shall be renewed from time to time.

List accordingly.

(ABHAY CHATURVEDI),J

PAYAL DHAWAN /650

RAJASTHAN HIGH COURT



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