

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Special Leave Petition (C) No. _____/2013
(CC.No. 9203/2013)

UNION OF INDIA

Petitioner

VERSUS

OMANAAMMA

Respondent

O R D E R

Delay condoned.

Heard learned ASG, but in view of Section 123(c)(2) of the Railways Act, 1989, we are not inclined to entertain this special leave petition. However, learned ASG submitted that although compensation may be payable in case a passenger dies in an untoward accident, yet compensation will not be held payable merely on the basis of this provision, but will depend on the facts of each case. We accept the submission of the learned ASG to the extent that it is the evidence & other materials on record in a particular case which will determine the entitlement of compensation to a victim in case the death takes places in an untoward incident. Insofar as this case is concerned, we do not see that this is a case where denial of payment could be sustained on the basis of a plea that the evidence was lacking. However, it goes without saying that in an appropriate case, it is always open for the petitioner to contest whether any payment towards compensation is liable to be made under this provision relating to death in an untoward incident

Accordingly, the special leave petition is dismissed.

.....J.
(GYAN SUDHA MISRA)

