

RAILWAY CLAIMS TRIBUNAL, PRINCIPAL BENCH, DELHI  
Mr. JUSTICE KANWALJIT SINGH AHLUWALIA, HON'BLE  
CHAIRMAN

Ms. ARCHANA SHRIVASTAVA, HON'BLE MEMBER  
(TECHNICAL) RCT Lucknow @ Delhi

|                        |                         |
|------------------------|-------------------------|
| Case No.               | : OA/II(U)/DLI/199/2024 |
| Date of filing         | : 06.03.2024            |
| Judgment reserved on   | : 16.04.2025            |
| Judgment pronounced on | : 17.04.2025            |

1. Smt. Kishori Kumari Sharma,  
W/o Late Shri Jitendra Kumar (*deceased*).  
R/o H. No. 65, Alipur Road,  
Sukhram Colony  
Patiala, Punjab - 147001.
2. Ravi Kumar,  
S/o Late Shri Jitendra Kumar (*deceased*).  
R/o H.No. 65, Alipur Road,  
Sukhram Colony  
Patiala, Punjab - 147001.

...Applicants

Versus

Union of India,  
Represented through:  
General Manager,  
Northern Railway,  
New Delhi.

Smt. Somvati  
M/o Late Shri Jitendra Kumar (*deceased*)  
R/o Madiya, Baniya Khera,

Baniya Khera, Sambhal, Chandausi,  
UP-202412

...Respondent

Claim for Rs. 8,00,000/- (with interest)

Smt. Ashima Sood, counsel for the applicant.

Ms Lelawati Suman, counsel for the respondent.

### **JUDGMENT**

**Ms. Archana Shrivasta, Hon'ble Member (Technical)**

1. Smt. Kishori Kumari Sharma, W/o Late Shri Jitendra Kumar, Shri Ravi Kumar, S/o Late Shri Jitendra Kumar have filed the present claim application before the RCT/Delhi stating that Late Shri Jitendra Kumar was a passenger travelling with a valid ticket No. 85672179 dated 04.12.2022 from Panipat to Moradabad. Shri Jitendra Kumar (*since deceased*) while deboarding the running train No. 12459, accidentally fell down from the train and got seriously injured and later during treatment, he died in the hospital.
2. Notice of the claim application was issued. Accordingly, Respondent filed a written statement along with the statutory report of DRM.
3. In the written statement the claim of the applicant has been denied by the Respondent. In para 1 it is stated -

*"That the claim filed by the applicants is not maintainable in the eyes of the law because the respondents cannot be held responsible for the incident as it came on record that on*

05.12.2022, the deceased while trying to deboard from the running train no. 12459 negligently, his foot slipped between the train and platform no. 01 of New Delhi Railway Station and he got seriously injured. Later during treatment, he died in the hospital. Though on Verification from Deputy Chief Commercial Officer IRCA Bhawan, New Delhi, it was found that the General Ticket No. UAE-85672179, PNP to MB, Via-DSA (For 02 Adults), shown by the wife of the deceased and the claimant at the hospital, was issued from Panipat station on 04.12.2022 at 16:12 hrs. But the incident in question occurred on 05.12.2022 at New Delhi Railway Station at 13:50 hrs.

Therefore, in view of the facts and circumstances, the present matter does not come under the purview of an 'Untoward Incident'. Despite the detailed investigation, no involvement or fault on the part of the Railway Department has been discovered. Therefore, the claimant is not entitled to get any kind of compensation for the said incident. Hence, the claim petition is liable to be dismissed." (Reproduced in Verbatim)

4. In the statutory report of DRM Ex. R-1, following conclusion was been drawn:-

"निष्कर्ष:- समस्त साक्ष्य एवं गवाहों के बयानों से स्पष्ट है कि दिनांक 05.12.2022 को मृतक व्यक्ति चलती हुई गाड़ी सं. 12459 से लापरवाहीपूर्वक उतरने के प्रयास में नई दिल्ली रेलवे स्टेशन के प्लेटफार्म सं. 01 पर पैर स्लिप होने से ट्रेन व प्लेटफार्म के बीच में आकर गम्भीर रूप से घायल हुआ बाद दौरान ईलाज हास्पिटल में मृत्यु को प्राप्त हुआ। हास्पिटल में मृतक की पत्नी एवं दावाकर्ता द्वारा रा.रे.पु. को प्रस्तुत की गई रेलवे साधारण टिकट सं. UAE-85672179, PNP to MB, Via-DSA, (For 02 Adult) दिनांक 04.12.2022 समय 16.12 बजे का सत्यापन उप मुख्य वाणिज्य अधिकारी IRCA भवन नई दिल्ली से कराया गया तो टिकट पानीपत स्टेशन से दिनांक 04.12.2022 समय 16.12 बजे जारी होना पाया गया परन्तु घटना दिनांक 05.12.2022 को रेलवे स्टेशन नई दिल्ली पर समय 13.50 बजे घटित हुई है।" (Reproduced in verbatim)

5. The Division Bench of this Tribunal on 07.10.2024, framed the following issues for adjudication:-

1. Whether the deceased was a bona fide passenger of the train in question at the time of incident?
2. Whether there was any untoward incident as is defined under the provisions of Section 123(c) of Railways Act, 1989?
3. Whether the applicant(s) is/are dependent(s) of the deceased?
4. Whether the applicant(s) is/are entitled for any relief and interest as prayed for in the application?
5. Relief if any?

6. The case was listed for hearing on 16.04.2025. Applicant was represented by Smt. Ashima Sood and the respondent were represented by Ms. Leelawati Suman. Both the counsels were heard and all relevant points raised by the learned counsels were noted.

**Issue no. 1 & 2**

We shall take up issue no. 1 & 2 together as on facts and law they are interconnected.

7. Ms Leelawati Suman, Counsel for the respondent has vehemently urged that even if it is assumed that the ticket from the deceased was recovered or found, it had lost its validity because of Railway rules. It is contended that if a passenger with a single journey ticket wants to break his journey at 423 Kms, which is not permissible, it is contained in that in the present case the applicant had commenced this journey from Panipat and he was not entitled to break his journey at Delhi. She has further contended that as per Railway circular, breaking of journey is not permissible on the tickets of certain trains like Rajdhani Express and Shatabdi Express. It is further contended that for undertaking journey from Panipat to Moradabad, change of train could only be done by the claimant and her husband at Old Delhi railway station called Delhi Junction and not at New Delhi, railway station. It is further the case of the applicant that the

railway ticket was issued on 4<sup>th</sup> December, 2022 at 16.12 hours. The incident had occurred on the next day 5<sup>th</sup> December, 2022 at New Delhi railway station at 13:50 hours. Ms. Leelavati Suman, counsel for the respondent has submitted that there are numerous trains available after reaching at Delhi/New Delhi on 4<sup>th</sup> December 2022. It is mandatory for the deceased and his wife to commence journey within 3 hours from the time of issuance of the ticket. It is submitted that even if the applicants commenced journey on 4<sup>th</sup> December, 2022 at around 19.00 hours, they would have reached Delhi/New Delhi in the night and there was no justifiable reason for them to stay overnight at Delhi railway station. It is further contended that numerous trains were available on the night of 4<sup>th</sup> December 2022, and to complete the journey at the earliest, the applicant and her husband ought to have commenced journey on the same night. It is contended that no convincing application what to talk of reasonable is fourth coming from the side of applicants to explain their overstay at New Delhi railway station. Smt Ashima Sood, counsel for the applicant to controvert the above argument has submitted that the applicant and his wife are not well acquainted with the Railway rules, there is no adequate facility at the Railway Inquiry or the Rail Mitra to guide the passenger as to what course they have to adopt once a train is not available.

We have given our thoughtful consideration to the rival submissions advanced before us. We may notice here that counsel for the applicant has relied upon a judgment rendered by Hon'ble High Court of Delhi in Gaurav Kapoor Vs. UOI, FAO No.401/2010 decided on 18.12.2024. In case of Gaurav Kapoor (supra), it was noticed by the Hon'ble High Court that the deceased and her daughter were misguided by some people to take a wrong train which was not going from New Delhi railway station to Ludhiana but in a opposite direction towards Ghaziabad and under the mistaken belief they had arrived at Shivaji Bridge Railway Station. Hence, noticing the above facts, the Hon'ble Delhi High Court came to the conclusion that Shivaji Bridge railway station is also within the city of New Delhi and is barely 2/3 Kms from New Delhi railway station. Thus, any mistake on the part of the passenger to take a train for the opposite direction will not automatically cease status of the traveller as a bonafide passenger. Guided by the observations made by Hon'ble Delhi High Court in Gaurav Kapoor (supra), we are of the view that for common people, it is difficult to differentiate between New Delhi and Old Delhi railway station. As per common perception, New Delhi or Delhi for the people remains as Delhi for catching trains. Thus, merely because instead of taking the train from Old Delhi railway station, the applicant and her husband arrived at New Delhi

railway station, it will not be sufficient for us to hold that commencement of the journey from New Delhi will not be a valid journey.

It is a well settled legal proposition that if the words used in a beneficial or welfare statute are capable of two constructions, the one which is more in consonance with the object of the Act and the benefit of the person for whom the Act was enacted should be preferred. The Hon'ble Supreme Court in UOI vs. Prabhakaran Vijay Kumar and Ors. 2008 Vol 9 SCC 527 and Jameela vs. UOI 2010 (12) SCC 443, it was held that accidental falling from a train carrying passenger occurring under Section 123 (c) of the Railways Act, 1989 is not to be given restrictive and narrow interpretation. Smt. Kishori Kumari Sharma was appearing as a witness AW-1 specifically stated that under the mistaken belief, they boarded the train no. 12459, New Delhi-Amritsar Intercity Express as they were made to understand that the said train goes to Moradabad and once husband of the deceased learnt the train is not going to Moradabad, he made an attempt to deboard from the train.

A single Member Bench of the Tribunal, to which one of us, Kanwaljit Singh Ahluwalia, J was a party, relying upon various judgments held as under:-

"I have heard counsel for the parties. Learned counsel for the applicants has urged that in view of admitted facts merely because under mistaken impression,

Phoolan Shree de-boarded the train and walked at adjacent platform, she cannot be denied compensation especially when she was travelling in a reserved coach from Ambala to Etawah and the train in which she was travelling was parked at platform number 11 and had a long stoppage there. In order to lend support to her argument, she has relied upon judgment rendered by Hon'ble High Court of Delhi in *Gaurav Kapoor versus Union of India*, FAO number 401/2010 decided on 18.02.14. In the case cited and relied, similarly a lady had boarded a wrong train. It will be apposite here to reproduce para 4 of the judgment (Supra): -

*"In the present case, the admitted position is that the deceased Smt Ramesh Rani had a valid train ticket which was for travel from New Delhi railway station to Ludhiana. Therefore it is not as if the deceased Smt Ramesh Rani was a totally unauthorised passenger. Further, Shivaji Bridge railway station is also within the city of New Delhi itself and barely about 2/3 kms from New Delhi railway station. The issue is that can a person who travels by a mistake just a few kilometres in the opposite direction, automatically cease to be a bona fide passenger as per the meaning of expression under Section 124-A of the Act. In this regard, I take note of the fact that there are rules of the Railways by which a person who has purchased a journey ticket for a limited distance travel can extend the travel beyond the destination by paying the necessary charges to the Railways for extra distance, even if the original ticket is purchased for a lesser distance. I would like to apply the intendment of these rules of the Railways in a case such as the present where the travel in the opposite direction is proved to be a bona fide mistaken travel and that too of just about 2/3 kms in opposite direction and within the same city. In my opinion, in a case such as the present, in view of the intendment of the legislature in enacting Sections 123 (c) and 124-A, a person will not cease to be a bona fide passenger unless travel in the opposite direction is deliberate and for are quite a few stations of unnecessary long travel from the original point of commencement of the journey which would indicate the travel not to be as a bona fide passenger. Accordingly in my opinion, once the deceased had a valid journey ticket, albeit for travel from New Delhi to Ludhiana, in my opinion, the deceased Smt Ramesh Rani is a bona fide passenger within the Explanation (ii) to Section 124-A and it is held that the deceased was a bona fide passenger even at the Shivaji Bridge railway station which is in the New Delhi city itself but a few kilometres from New Delhi railway station. Therefore, I set aside the findings of the Tribunal and hold that the deceased was a bona fide passenger."*

Counsel for the applicant has further relied upon another judgment i.e. *Union of India versus Anuradha & Others* 2014 ACJ 856 rendered by Hon'ble Mumbai High Court, Nagpur Bench. In para 8 of the judgment, the Hon'ble High Court held as under: -

*"Railway trains are used as convenient and affordable means of conveyance by any commoner in our country. If a passenger unguided by railway security personnel ticket checkers or in absence of the regular announcements mistakenly boards a wrong train halting on the platform, may on realizing his mistake fall off the train due to panicky situation or otherwise accidentally, the railway administration cannot feign ignorance about the untoward incident in such case in order to shirk away from its strict liability to compensate monetarily for the untoward fatal accidents."*

In view of the law cited and relied upon which has been reproduced above and in the facts and circumstances of the case, there is no doubt that Phoolan Shree was a bona fide passenger and she was having a valid journey ticket while travelling in Kalka Mail Train, which had a long stoppage at platform of old Delhi railway station. In view of the admitted facts that under mistaken impression she made an attempt to board another train which was parked at adjacent platform number 12, she slipped and suffered injuries, compensation cannot be denied. The plea raised that the injuries suffered by the deceased due to her own negligence and carelessness will fall under exception of self-inflicted injuries specified in proviso to Section 124-A of the Railways Act, 1989 also cannot be upheld in view of the observations made in Union of India versus Rina Devi<sup>2018 ACJ 1441</sup> in para 16.6, which is reproduced below: -

*"16.6 We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree.*

*Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in United India Insurance Co Ltd., versus Sunil Kumar<sup>34</sup> laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will <sup>34</sup> 2017 (13) SCALE 652 not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor."*

So far as the second limb <sup>ref K</sup> argument regarding the validity of the ticket is concerned, admittedly, the ticket was issued on 4.12.2022 at 16:12 hours. December is a very cold month having widespread fog. The railway authorities have not produced the relevant train signal register to elaborately acquaint us as to at what time trains had left Panipat railway station and whether they had reached the right time or there was delay in reaching the trains at New Delhi railway station. After the delay had occurred in reaching of the trains at Delhi/New Delhi, whether there is no other option for the passengers except to wait for the next train.

Merely because some Circular of the Railway demands that break journey should be after some requisite kilometers is not applicable, as we are not informed whether any direct train was leaving from Panipat to Moradabad, and if so, at what time? Taking into account that the applicants have approached us under a statute which is beneficial and welfare legislation and guided by the observation of the Hon'ble Supreme Court as above, we cannot resort to restrictive and narrow interpretation to deny the claim of the applicants.

8. We shall look into the case from another angle also.

8.1 The applicant in the affidavit filed along with the application has stated in Para 3,4 & 5 that on 04.12.2022, Late Shri Jitendra Kumar (the deceased) and the applicant Smt. Kishori Kumari Sharma (wife of the deceased) were travelling from Panipat to Moradabad via Delhi/New Delhi and purchased ticket No. UAE 85672179 for 02 adults. They boarded the night train and reached New Delhi as they did not get any direct train for Moradabad. It is also stated that they were illiterate people.

8.2 According to the written statement and statutory report of DRM, the claimant Smt Kishori Kumari Sharma (wife of the deceased) produced General Ticket NO. UAE 85672179 Panipat to Moradabad via DSA for 02 adults dated 04.12.2022 (time of issue 16:12 hrs) and the same was

verified by Deputy CCM IRCA, New Delhi. Respondent has claimed that the ticket was issued on 04.12.2022 at 16:12 hrs, but the incidence took place of 05.12.2022 at 13:50 hrs.

8.3 According to the DCR register dated 05.12.2022, it is seen that ASI Shri Manoj Rana has recorded in the register that the injured was admitted in Lady Hardinge at 14:20 hrs and it is also recorded that he was informed that the ticket was with injured person, but the details could not be collected as the injured was in emergency and on duty doctor was not allowing anyone inside emergency.

8.4 According to the DRM report, wife of the deceased (applicant) produced ticket No. 85672179 from Panipat to Moradabad dated 04.12.2022 and handed over to GRP in the hospital.

8.5 According to the Medico Legal Post-Mortem report issued by Lady Hardinge Medical College, New Delhi injured Sh. Jitendar Kumar (deceased) was admitted in the hospital on 05.12.2022 at 02:30 p.m. and during the course of treatment he was declared dead at 06:04 pm.

8.6 Further, according to the available certificate on record it is seen that Shri Jitendar Kumar was only 10<sup>th</sup> pass and was not highly educated. According to the statement of applicant Smt Kishori Kumari Sharma

(wife of the deceased) and Late Shri Jitendra Kumar (the deceased ) used to work in Punjab and Haryana wherever they got some work to do.

From the above statements/evidences, it can be inferred that it would not have been possible for Smt Kishori Kumari Sharma (the wife of the deceased) to manipulate and produce a ticket to handover to GRP, while her husband was seriously injured and being treated at the hospital therefore, there is no doubt that the ticket was available at the time of death with the deceased or the wife of the deceased at the time of the incident. Smt Kishori Kumari Sharma (wife of the deceased) and Late Shri Jitendra Kumar (the deceased) had intention to travel with railway ticket. As far as validity is concern it may be possible that the rules and regulations of validity of unreserved tickets was not known to them clearly. There does not seem to be any willful violation of Railways Rules & Regulation of journey.

9. According to the statement of Shri Amarjeet Dhaka, CT/RPF/NDLS that he was performing duty from 08:00 to 16:00 hrs on 05.12.2022, for Train Passing+AC+TOPB+Vendor Prevention on New Delhi station. After passing of train No. 12459, New Delhi to Amritsar, Inter City at 13:50 hrs when he reached Nizamuddin side of the platform he noted that few passenger have gathered and he was informed that a person while getting

down from the train had got stuck up between the train and the track. He took out the injured person in unconscious state with the help of passengers present on the platform. It is also accepted in the DRM report that the person got injured while deboarding the train No. 12459. Thus, the incidence has happened at the platform while deboarding the train No. 12459. It is difficult to establish that any person/passenger of a very young age would like to behave or perform activity which could cause injury to him, therefore, this cannot be treated as self-inflicted injury and should be covered under untoward incident.

9.1 Hon'ble Supreme Court in Union of India Vs. Rina Devi (2018 ACJ 1441) that if any injuries are suffered while boarding or deboarding the train, same cannot be termed as self-inflicted injuries. It will be apposite here to reproduce following Para from the judgment rendered by the Hon'ble Supreme Court in Rina Devi (supra) held as under: -

*"16.6 We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree.*

*Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in United India Insurance Co Ltd., versus Sunil Kumar laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident'*

*entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor."*

Counsel for the respondent in view of the settled legal position has raised no meaningful opposition. Thus, we have no hesitation but to hold that applicant had suffered injuries in an untoward incident, even otherwise it is held by the Hon'ble Supreme Court that any negligence and carelessness on the part of the injured will not absolve respondent Railway to pay compensation to the injured victim, or dependents of the deceased (in case of death of passenger) in the regime of strict liability.

Consequently, Issue no. 1 & 2 are decided in favour of the applicant and against the respondent.

**Issue no. 3, 4 & 5 :-**

10. The applicants have filed on record the attested copies of their Aadhar Cards, including the Aadhar Card of the deceased Shri Jitendra Kumar (Exhibit A-1) issued by Government of India. Besides, Smt. Kishori Kumari Sharma W/o Late Shri Jitendra Kumar has in her affidavit (AW-1) said that only Smt. Kishori Kumari Sharma (wife), Shri Ravi (son) and Smt. Somvati (mother) are legal heirs of the deceased. The same proves the relationship of the applicants with the deceased. Thus, the applicants, being wife, son and mother of the deceased, are

held to be the dependents of the deceased within the meaning of Section 123 (b) of the Railways Act, 1989.

### ORDER

11. Hence, the claim application is allowed and the respondents are directed to pay a sum of Rs.8,00,000/- (Rupees eight lakhs only) to the applicants along with 9% simple interest from the date of incident till today. Respondent is directed to pay the amount of compensation in the suitor's money account of the Principal Bench of this Tribunal at Delhi within one month from date of receipt of certified copy of this order, failing which, they will be liable to pay simple interest @ 9% per annum for any subsequent delay.

12. So far as disbursal of the amount of award is concerned, we have heard the learned counsel for the parties.

We may notice that in *Geeta Devi Vs Union of India*, Delhi High Court has observed as under: -

*"5. As Regards Amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 5.1. Many of the claimants are drawn from rural areas with low levels of literacy and lower levels of making appropriate decision for the use of amounts guaranteed under the awards. There are several instances of their exploitation by middlemen and touts operating in the field. The scope for such exploitation is itself one of the incentives for fomenting bogus claims, fabricated documents and duplicate claims in different Benches of the Tribunal for the same cause of action. The availability of bulk funds in the name of an ill-informed claimant is also a cause for exploitation. A scheme for protection of the amount due to such a claimant is the need of the hour. Earlier, this Court has involved 21 Nationalised Banks in dialogue to evolve a scheme of annuities for disbursement of claims. They have been ordered already to be implemented in this case, vide directions passed on 22nd February, 2019. This scheme as applied to motor accident claims has been approved by the Supreme Court in its order dated 05th March, 2019 in Krishnamurthi vs New India Insurance Company, SLP (C) No.31521-31522 of 2017. A statutory rule backing will, therefore, best serve the interest of the litigant in the manner set out below:-*

5.2. Insert following Rule 5 after Rule 4:-

*Rule 5: Mode of payment--(1) The Tribunal may, in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall sub-serve justice.*

*(2) If any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian ad litem to use the interest accruals on the deposit that shall be made during the minority for maintenance.*

*(3) Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursement for reasons to be stated in writing depending on the exigencies requiring liquidation of any corpus created for annuity or premature closure of fixed deposit, for the benefit of the claimant."*

*In pursuance of the orders passed by the Delhi High Court, recently, Government of India has issued a Notification of 3<sup>rd</sup> June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, amending Rule 5 which reads as under: -*

***"5.Mode of payment—***

*5.1 The Tribunal may, in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall subserve justice.*

*5.2 If any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian ad litem to use the interest accruals on the deposit that shall be made during the minority for maintenance.*

*5.3 Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursement for reasons to be stated in writing depending on the exigencies requiring liquidation of any corpus created for annuity or premature closure of fixed deposit, for the benefit of the claimant.*

*5.4 The orders dated 21<sup>st</sup> April, 2017, 24<sup>th</sup> May, 2019 and 6<sup>th</sup> November, 2019 of Hon'ble High Court of Delhi in FAO No. 22/2015 and CM Application No. 4501/2015 in Geeta Devi Vs Union of India, relating to disbursement of compensation shall be read as part of this Rule."*

13. Therefore, relying upon the judgement rendered by the Delhi High Court in the case

of *Geeta Devi* (supra) and in pursuance of Rule 5 quoted above, in the present case, the amount of award along with the interest shall be disbursed in the following manner: -

From out of the total compensation amount, legal heir No. 1 Smt. Kishori Kumar Sharma, wife of the deceased shall receive Rs. 3,00,000/- (Rupees Three Lakhs

only) with accrued interest, legal heir No. 2, Shri Ravi Kumar, minor son of the deceased, shall receive Rs. 4,00,000/- (Rs four lakhs only) with accrued interest and legal heir No. 3, Smt. Somvati, mother of the deceased, shall receive Rs. 1,00,000/- (Rupees one lakh only) with accrued interest.

14. 10% of the shares of the legal heir No.1 and 3 Smt. Kishori Kumar Sharma and Smt. Somvati respectively shall be released forthwith by ECS/NEFT transfer to her/his savings bank account. Rest of their shares together with accrued interest, if any, shall be invested in FDRs for a period of three years in their respective names in a nationalized bank, near to the place of their residence, with monthly payment of accrued interest on FDRs in their names.

15. As regards the amount of compensation payable to legal heir No. 2, Shri Ravi Kumar, minor son of the deceased, the entire amount of Rs. 4,00,000/- (Rs four lakhs only) with accrued interest payable to him shall be invested in a FDR in his name under the guardianship of his mother, Smt. Kishori Kumari Sharma (legal heir No. 1) in a nationalized bank, near to the place of her residence for the period till he attains the age of 18 years. Monthly interest on FDR of legal heir No. 2 Shri Ravi Kumar will be payable to the legal heir No. 1 Smt. Kishori Kumari Sharma for the maintenance and welfare of her son.

16. ADR/PB/RCT/Delhi will verify the details of the bank accounts of the awardee before making payment. Further to that, the bank should also be directed not to

allow any loan, advance, withdrawal or premature discharge on the fixed deposit without permission of the Tribunal. The bank account should be in a Nationalized Bank near his place of permanent residence.

17. The application is allowed in the above terms. No order to costs.

(Ms. Archana Shrivastava)  
Member (Technical)

(Kanwaljit Singh Ahluwalia)  
Chairman