

2023 LiveLaw (SC) 487

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
VIKRAM NATH; J., AHSANUDDIN AMANULLAH; J.
CIVIL APPEAL NO.7116/2017; JUNE 15, 2023
STATION SUPERINTENDENT & ANR. *versus* SURENDER BHOLA**

Consumer Law - Railways not liable for theft of passenger's belongings - the theft of personal belongings of a Passenger is not “deficiency of service” by Railways. If the passenger is not able to protect his own belongings, the Railways cannot be held responsible. The Supreme court set aside orders passed by Consumer forum whereby Railways was directed to reimburse the stolen amount of cash to the Passenger.

For Appellant(s) Mr. Rajan Kumar Chourasia, Adv. Mr. Merusagar Samantaray, Adv. Ms. Sweksha, Adv. Mr. Amrish Kumar, AOR Mrs. Anil Katiyar, AOR

ORDER

Heard Mr. Rajan Kumar Chaurasia, learned counsel for the appellant.

Despite service of notice, no one appears for the respondent although the matter is pending for the last eight years.

The respondent raised a claim before the District Consumer Forum stating that while he was travelling in a train and was carrying Rs.1 lakh in cash in a belt tied around his waist, the same got stolen and as such the Railways should reimburse the said loss.

The District Consumer Forum allowed the same by awarding Rs.1 lakh to be paid by the appellant(s). The State Consumer Dispute Redressal Commission and the National Consumer Disputes Redressal Commission dismissed the appeal(s).

We fail to understand as to how the theft could be said to be in any way a deficiency in service by the Railways. If the passenger is not able to protect his own belongings, the Railways cannot be held responsible.

Accordingly, we allow the appeal and set aside the orders passed by the National Consumer Disputes Redressal Commission, State Consumer Dispute Redressal Commission and the District Consumer Forum.

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