

Jan 19

MOOT PROBLEM 4

Mahesh Gaikwad v. Indian Railways and Ors

Seema is an ambitious girl. She scored a good percentage and wanted to take admission to Mahakashi University in Bengaluru as it offered the special course of Ayurveda that she was looking for. Her interview was fixed on 12th August 2018 at the University and she was also informed that if she misses the interview, she will not get admission. Seema's father, Mr. Mahesh Gaikwad, booked their train tickets to Bengaluru in second class from Yashwantpur Express. Since it was festive season, all the trains were running full. Mahesh managed to book their train tickets as reserved against cancellation (R.A.C.). They also decided to wait till the departure day for the confirmation. They decided to stay at Mahesh's Aunt's place at Bengaluru and accordingly made the necessary arrangements.

On 10th August 2018, Mr. Mahesh and Seema reached the Margao railway station and to their disappointment, found that their tickets were still not confirmed. Nonetheless, they boarded the train from Margao railway station at 10.00 pm. The compartment was fully occupied. Yet, Mahesh found Seats No. SL 39 and SL 40 empty and they placed their luggage under the berth and occupied the same. The TTE came to check the tickets and assured Mahesh that he didn't have to worry about anything and that he could occupy the berth.

Having felt assured, Seema slept on the same berth, while Mr. Mahesh decided to stay awake. At 12.00 am, The TTE walked in the compartment and asked Mr. Mahesh to vacate the Berth. Mahesh realised that he was a different TTE and asked the TTE if the occupant of the berth had boarded the train. TTE answered in affirmation and ordered Mahesh to vacate the berth. Mahesh adamantly refused. TTE tried to convince Mahesh and put a hand on his shoulder. Mahesh got angry and pushed the TTE away. TTE fell to the floor. Seeing this scimmage, the other occupants of the compartment began cheering Mahesh. The TTE got up and threatened Mahesh with consequences if he doesn't comply and left the compartment.

At 12.30, when the train reached the Hubballi station, the TTE entered the compartment with railway Police along with two porters and forcibly threw Mahesh's luggage on the platform with the help of the two porters. The TTE then caught hold of Mahesh's Arm and pushed him out of the train. The TTE firmly ordered Seema to get down from the train. Seema got frightened and also got down on the platform. After the train left, Mahesh decided to lodge a complaint with the Railway authorities, but he was not allowed to file the complaint and the reason told to him was that his ticket was R.A.C.

Mr. Mahesh made some arrangements and came back to Goa. Upon reaching home he consulted a lawyer and filed a complaint in the District Consumer Dispute Redressal Forum against the Indian Railways and TTE on 25th October 2018. Argue.