

## SUMMARY

- Passenger or commuter falling out of train whose doors were open while entering station.
- Liability of PRASA for such an incident.
- Whether evidence led in the case substantiates the allegations of falling or being pushed or whether evidence in the line or substantiating the allegations pleaded in the particulars of claim.
  - Absolution from the instance at the close of the Plaintiffs case. Requirements to be met for application to succeed or fail.

Held- that the plaintiffs evidence not pointing to him having been on the train in question.

Held – that evidence tendered by plaintiff this far not passing the threshold so as to require a duty to rebut from the defendant.

Held – that for plaintiff to succeed in his claim he should have, among others ascertained and prove in the evidence that the defendant had a duty to regulate the numbers of its rail passengers, what a reasonable measures it ought to have implemented in that regard to ensure passenger safety that it omitted to take, what passenger capacity the specific coach was.

Held – that one cannot assume simply from the fact that there were standing passengers that the coach carried an impermissible number as the Corporations policy and applicable safety standards might well legitimately have allowed that practice.

Held – that the necessary information was readily ascertainable through employment of mechanisms provided by the rules of court such as seeking discovery or requesting particulars for trial, etc.

Absolution from the instance granted with cost.