

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3061 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE J. C. DOSHI sd/-**

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Approved for Reporting	Yes	No
		no

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UNION OF INDIA

Versus

MANUBHAI KALUBHAI SAVALIYA & ORS.

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Appearance:

MRS KRISHNA G RAWAL(1315) for the Appellant(s) No. 1

MR KUNAL M SHAH(5588) for the Defendant(s) No. 1,2,3,4

MR PJ MEHTA(467) for the Defendant(s) No. 1,2,3,4

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 28/07/2026****JUDGMENT**

1. **Admit.** Learned Advocate Mr. PJ Mehta waives service of admission.

1.1 The present appeal preferred under Section 23(1) of the Railway Claim Tribunal Act, 1987 (for short, 'the Act') questions legality and propriety of the judgment and order dated 04.10.2023 passed by the Railway Claim Tribunal, Ahmedabad in Case No. OA (Iiu)/ADI/2020/0039, by which the Railway Claim Tribunal granted compensation of Rs.8,00,000/- with 9%

annual interest from the date of the incident i.e. 22.10.2019 till the date of the order.

2. Parties are referred to as per their original status before the learned trial Court.

2.1 Brief facts of the case are as under:

2.2 On 22.10.2019, Hitesh Manunbhai Savaliya (the deceased) was traveling from Surat to Ahmedabad with a ticket by train carrying passengers and accidentally fell from the train between Vadodara D cabin and Bajva station resulting in death on the spot. To claim the compensation, the parents of the deceased have filed aforesaid claim petition before the Railway Claim Tribunal. Upon service of summons, the railway administration contested the claim of the applicants by filing a written statement along with DRM report, whereby apart from denying all the averments, it was contended that the incident might have happened due to self-infliction and negligence of the deceased along with the defence that the deceased was not a 'bona fide passenger'. Therefore, it is claimed that the claimants are not entitled to get the compensation.

2.2 The learned Railway Claim Tribunal framed the issues, permitting both the parties to lead the evidence and decided the claim petition in favour of the claimants to grant the compensation as prayed.

2.3 Being aggrieved, the railway administration has preferred the present appeal.

3. Heard learned Advocate Mrs. Krishna G Rawal appearing for the appellant and learned Advocate Mr. PJ Mehta appearing for the respondents.

3.1 The solitary issue raised by the learned Advocate Mrs. Krishna Rawal is that the deceased, according to claim petition, was traveling from Surat to Ahmedabad, however, his dead body was found between Vadodara D cabin and Bajva Station. This route does not fall in Surat to Ahmedabad station. She would further submit that in the impugned judgment, the Railway Claim Tribunal mainly applied the assumption to believe that the deceased might have traveled by any other option and his body was found between Vadodara D cabin and Bajva Station. Moreover, she would submit that ticket which was found from the body of the deceased was for his journey from Godhra to Anand which also deciphers that he should not be between Vadodara D cabin and Bajva Station and therefore, she submitted to allow this appeal.

3.2 As against the aforesaid submissions, learned Advocate Mr. PJ Mehta submits that the railway administration has not led any evidence to support their contention. The TSR produced on record is not proven by any oral evidence and thus, learned trial Court has rightly concluded in favour of the claimants and therefore, he submitted to dismiss this appeal.

4. Having heard learned Advocates for both the sides, at the outset, I may refer to the issues framed by the Railway Claim Tribunal, more particularly issue nos.1 and 2, which are reproduced herein-under:

“1. Whether deceased was traveling on a valid railway journey ticket and was a bonafide passenger of the train in question at the relevant time?”

2. Whether the deceased met with an untoward incident due to fall from passenger carrying train, suffered injuries and died as a result thereof and the present case is covered under the definition of Section 123(c)(2) of the Railway Act, 1989?”

4.1 The finding of the learned Railway Claim Tribunal answering the aforesaid issues in favour of the claimants are penned in para nos.17, 18, 19 and 20 of the impugned judgment which reads as under:

...“17. After perusal of the Memo of SS-Bajva to PWI-Bajva dtd. 22.10.2019 time 19:30 hrs., it reveals that the dead body lying at k.m.no. 401/3 between Up & DN track. This fact is corroborated with copy of Roznamcha/RPF, Station diary-Bajva, Form-1, Form-2 and Driver's Note-Book of train no. 12656. The Respondent neither challenged these documents nor adduced any tangible evidence to rebut the case. As well as, the AW/1 stated in his cross-examination that, "my deceased son was travelling from Surat to Ahmedabad." The Respondent could not contest the deposition of the AW/1 nor asked any contra question regarding the incident. Hence, crux of the all documents and defending the case by the Respondent in such way, it can be conclude that the deceased has fallen down from the running train and sustained injuries resulting in his death.

18. The Respondent filed Train Signal

Register of Godhra, Anand, Vadodara and Bajva station, to emerge how the deceased can complete the journey from Godhra to Anand (of which ticket is recovered), Anand to Surat and then Surat to Ahmedabad. The Respondent vehemently argued that it is impossible to complete these journeys if the deceased started his journey from first train of the day of incident from Godhra station and complete journey upto Surat station and thereafter fell down between Vadodara D cabin and Bajva station before 19:30 hrs on the same day during the journey of Surat to Ahmedabad.

19. The TSR is not proven by any oral evidence by the Respondent, even then I have carefully gone through the TSR just for the decision. The TSR shows that there were so many trains which departed towards Surat from Anand and then from Surat to Ahmedabad on 22.10.2019. But it is not necessary that the deceased, after completion of his Godhra to Anand journey, might have travelled in train to complete his Anand to Surat journey, he might have travelled by any other option(s) e.g. by road. As well as, the Respondent did not prove their contention that the deceased was travelling from Anand to Surat by train. It is not the case of Anand to Surat journey, but it is the case of Surat to Ahmedabad journey, the Respondent did not adduce concrete evidence that the deceased did not travel Surat to Ahmedabad on the day of incident. Hence, in absence of cogent evidence, it can be concluded that the deceased must have fallen down from one of the train. Moreover, it is not the contention of the Respondent that the deceased was trespasser or he was crossing the Railway track illegally.

20. Here I I deem it proper to reproduce the ratio laid down by the Hon'ble Jharkhand High Court in the case of Smt. Tetri Devi and ors. Vs. Union of India, M.A. No. 148 of 2018 decided on 02.05.2023, reported in 2023(3) T.A.C. 930 (Jhar), in which the Hon'ble Court has held at para 4 that: "while preparing the inquest report upon which high reliance has been placed by the Railway Claims Tribunal contrary to the judgment passed by the Hon'ble Apex Court in the case of National Insurance Company Limited vs. Chamundeswari and Ors., 2021 SCC OnLine SC 849: 2021 (4) T.A.C. 367,, where the Apex Court has held that the claim Tribunal has to rely upon the evidence adduced before the Claim Tribunal. They cannot rely upon the document of police case." According to the ratio laid down in above case, reliance cannot be place upon the documents, submitted with the DRM report when the Applicants adduced the evidence by presenting AW/1 before the Tribunal."...

5. Recently, the Hon'ble Supreme Court in case of ***Rajni and Another vs. Union of India and Another***, reported in 2025 Live Law SC 986, expound the scope of the Railway Act. Relevant paragraphs of the judgment in case of ***Rajni and Another vs. Union of India and Another*** (supra) reads as under:

...“12. Though Ms. Rukhmini Bobde, learned Standing Counsel appearing for the Railways has made a fervent plea to contend that the finding recorded by the Tribunal with regard to the suspicious circumstances of the railway tickets relied upon is sufficient to discard the claim, we are not impressed by the said submission for reasons more than one. Firstly, the initial

burden which is cast on the claimants to prove that the deceased had travelled in the train has been discharged by the sworn statement made by first claimant (wife of deceased). Secondly, the High Court by relying upon the report of DRM report (R/1) has arrived at a conclusion that death of 1st claimants husband would fall within the purview of expression 'untoward incident' as defined under Section 124 (A) of the Act; Thirdly, the railway ticket which formed part of the police report stood unrebutted; Fourthly, the very same report also disclosed the Chief Booking Supervisor, Indore had verified the ticket produced alongwith the report of the police and certified that ticket had been issued from Indore Station. This would clearly satisfy the requirement of the expression 'passenger' as contemplated under Clause (ii) to Explanation to Section 124 (A) of the Act and deceased being declared as a 'passenger' travelling in the train. This view also gets fortified by the judgment of the coordinate bench in the case of Kamukayi and Others vs. Union of India and Others⁴, whereunder it has been held: -

"9. By the explanation of the said section clarifying about "passenger", it would include a person who has purchased a valid ticket for travelling by a train carrying passengers on any date or a valid platform ticket and becomes a victim of an untoward incident.

10. This Court in Rina Devi [Union of India v. Rina Devi, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198] has explained the burden of proof when body of a passenger is found on railway premises. While analysing the said issue, this

Court has considered the judgment of the Madhya Pradesh High Court in Raj Kumari v. Union of India [Raj Kumari v. Union of India, 1992 SCC OnLine MP 96] and the judgments of the Delhi High Court in Gurcharan Singh v. Union of India [Gurcharan Singh v. Union of India, 2014 SCC OnLine Del 101] , the Andhra Pradesh High Court in Jetty Naga Lakshmi Parvathi v. Union of India [Jetty Naga Lakshmi Parvathi v. Union of India, 2011 SCC OnLine AP 828] and also considered the judgment of this Court in Kamrunnissa v. Union of India [Kamrunnissa v. Union of India, (2019) 12 SCC 391 : (2018) 5 SCC (Civ) 613] and in para 29 concluded as thus : (Rina Devi case [Union of India v. Rina Devi, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198] , SCC p. 588) “29. We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”” (emphasis supplied)

13. In the light of the above, we are of the considered view that the High Court had faulted in affirming the finding of the

Railways Claims Tribunal whereunder the claimants petition had been rejected for nonproduction of a seizure memo of the ticket and for nonexamination of the investigating officer, which is and was the main thrust of argument canvassed by the learned Counsel appearing for the Railways. This reasoning ignores the consistent judicial line that the absence of formal seizure or witness examination does not, by itself, negate bonafide travel when other material evidence substantiate the claim. Mere technical irregularities or lapses in procedure should not defeat a legitimate claim under a welfare statute, like the Railways Act, 1989. Particularly Chapter XIII which deals with liability of railway administration for death and injury to passenger due to accident. A Hyper technical approach which would frustrate the object of providing relief to victims of railway accidents should be eschewed. The insistence on a formal seizure memo would amount to importing standard of proof which normally is sought for in a criminal trial.

14. Hence, we reaffirm that proceedings under Section 124-A of the Railways Act are not criminal trials demanding proof beyond reasonable doubt, but welfare statutes are governed by the principles of preponderance and probabilities. Once the foundational facts of (i) possession or issuance of a valid ticket, and (ii) occurrence of an accidental fall from a train, are established through credible material, the statutory presumption of bona fide travel must operate in favour of the claimant. The Railways, as an instrumentality of the State, cannot defeat such claims by pointing to procedural imperfections in investigation or non-examination of formal witnesses. To hold

otherwise would erode the beneficial character of the legislation and convert a social-justice remedy into a forensic obstacle race.

15. It is therefore declared that where an official railway inquiry or evidentiary record verifies the issuance of a ticket corresponding to the date and route of an untoward incident, such verification shall constitute prima facie proof of bona fide travel, shifting the evidentiary burden on the Railway Administration. The absence of a seizure memo, or the inability of the police to preserve physical evidence, cannot by itself defeat a legitimate claim when the totality of circumstances supports the claimant's version. This principle shall guide all future tribunals and High Courts in construing Section 124-A, so that the statutory right to compensation remains real, accessible, and consonant with the humanitarian purpose of the enactment."...

6. Considering the scope of beneficial piece of legislation, the in-consistency pointed out by learned Advocate Mrs. Krishna Rawal cannot be considered as total to the core of the claimant. Fact remained that dead body of the deceased was found on the railway track and there is no other evidence on record which suggest the self-infliction or negligence of the deceased contributed in his death.

6.1 Moreover, fact remain that since the body of the deceased was found between Vadodara D cabin and Bajva Station. Noticeable that claimant claims that deceased was traveling from Surat to Ahmedabad. Vadodara D cabin and Bajva Station

admittedly fall in this railway route. Railway administration tried to distinguish the said fact by relying upon the railway ticket saying that deceased had a railway ticket permitting him to travel from Godhra to Anand. Merely, the ticket of some other train or some other route is found, would not ipso-facto lead to the conclusion that the deceased died due to self-inflicted injury or due to his negligence. Worth to note that the railway administration did not lead any evidence except filing TSR or DRM report. None for the railway administration appeared in the witness box to prove the case.

7. In the aforesaid circumstances, I find no infirmity in the impugned judgment and order. This appeal sans merit, thereby deserves to be dismissed and accordingly, it is dismissed. Railway Claim Tribunal, Ahmedabad is directed to disburse the entire amount of compensation to the claimants, if not already disbursed. Payment to be made through RTGS or NEFT through recognized banking mode. Record and proceeding to be sent back to the concerned Court forthwith.

PARMAR KRISH

sd/-
(J. C. DOSHI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR KRISH(HC02348), ENGLISH STENO GRADE-II, at High Court of Gujarat on 30/07/2026 17:28:12