

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 914 of 2014**

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SATYENARAYAN GUPTA & ANR.

Versus

UNION OF INDIA

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Appearance:

MR RATHIN P RAVAL(5013) for the Appellants

MR ANAL S SHAH(3988) for the Respondent

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 21/07/2026

JUDGMENT

1. Present First Appeal filed u/s 23 of the Railway Claim Tribunal's Act (in short "the Act") is directed against the judgment and order dated 8.12.2011 passed by the learned Railway Claim Tribunal in OA No.0600003, whereby the learned Tribunal has dismissed the claim petition filed by the appellant claimant.

2. For the sake of convenience and brevity, parties are referred to as per their original status before the learned trial Court.

3. Brief facts of the case are as under:-

3.1 The deceased was traveling in train No.9058 Up Vadodara-Valsad Intercity from Vadodara to Valsad on 8.8.2005 and he accidentally fell down between Nabipur and

Veradiya station at Km No.341/11 near Up line and succumbed to the injuries.

3.2 The claimants' case, as set out in the claim petition and the accompanying affidavit, is that the deceased was travelling as a ticketed passenger, holding ticket No.B 35003795 and the same is seized by the police for investigation and copy of the same is placed at Exh.A-6. Therefore, compensation u/s 16 of the Act was sought.

3.3 Having served, the Respondent Railway administration has contested the claim of the applicant by filing the written statement, wherein apart from denying the allegations made in the claim application, it is contended inter-alia that the above alleged incident is not an untoward incident and as such the said incident does not fall within the provisions of Sec. 123 (c) (2) of the Railways Act.

3.4 The learned Tribunal, having framed the issue, came to the conclusion that there was a variance between the pleadings and the evidence/statements on record and thus, dismissed the claim petition.

3.5 Hence, present First Appeal.

4. Heard learned advocates for the respective parties.

5. Learned advocate for the claimants relying upon the decision of the Hon'ble Apex Court in case of **Lata Vs. Union of India and another, 2026 INSC 715**, would submit that

pleading is sufficient to establish that the deceased was bona fide passenger, if not controverted by any cogent and convincing evidence. He would further submit that the railway ticket recorded during the police investigation and placed on record as Exhibit A-6 supports the claimants' case that the deceased was travelling with a valid ticket. He would further submit that the post-mortem report on record indicates that the deceased fell from a running train, a conclusion also supported by the DRM report and the police investigation. He would further submit that the Tribunal's conclusion that the deceased must have been travelling on some other train, drawn merely from the fact that the body was recovered two days after the stated date of the accident, was arrived at without any concrete evidence and without the claimants being called upon to explain the intervening period. He would further submit that the claimants did not, at any stage, put forward a case of suicide or self-inflicted injury, and that the DRM report itself suggests that the deceased fell under the train.

5.1 Upon above submissions, learned advocate Mr. Raval prays to allow the First Appeal.

6. *Per contra*, learned advocate Mr. Anal Shah for the respondent – Union of India, while supporting the impugned judgment and order, would submit that there is clear inconsistency in the pleadings and proof, variance thereof clearly indicates that there is some suspicious facts, which prove that the deceased did not fell from train No.9058 Up Vadodara-Valsad Intercity, but from some other train,

wherein, he was travelling without any ticket and therefore, he cannot be treated as “bona fide passenger” and thus, the learned Tribunal has rightly dismissed the claim petition.

6.1 Upon above submissions, learned advocate Mr. Shah prays to dismiss the First Appeal.

7. At the outset, I may reproduce the findings of the learned Tribunal, which governs dismissal of the claim petition, which reads as under:-

“It is contended in the claim application as well as in the affidavit of the applicant that the deceased had purchased ticket from Vadodara railway station and was travelling from Vadodara to Valsad on 8-8-05 by 9058Up and fell down from the running train at Km.No.341/9-11 between Nabipur and Veradiya railway station and died on the spot. All the documents placed on record i.e. Station Master's Memo. Panchnama of place incident, Inquest Panchnama, Panchnama of body identification, P.M. report, DRM report etc. shows the date of incident is 10-8-2005. The applicants have failed to explain happenings between 8-8-05 and 10-8-05. In the normal course, the memo will be issued immediately after the incident. In the instant case, the Memo is issued on 10-8- 2005 at 10.35hrs. It is also mentioned in the Memo dated 10-8-2005 that one Bhupat Dayshing, Keyman informed from Gate No.189/C that one unknown traveler is lying between Km.341/9-11. The applicants have claimed that the incident took place on 8-8-05. On the other hand, the evidence of the respondent shows no incident happened on 8-8-05. Even if we assume that the incident took place on 8-8-05 and died on the spot, whereafter his body was recovered after two days i.e. on 10-8-05. Keeping in view the hot and humid climate during the period in question, the condition of the body might have

deteriorated or decomposed to a large extent and it is also possible that some parts of the body might have been eaten by the wild animals. But nothing has been shown in the inquest or the P.M. report regarding deterioration or its being decomposed. Date and time of death is shown in the P.M. report i.e. 10-8-05 at 4.00pm. whereas date and time shown in inquest is 11.45 to 12.45 of 10-8-2005. Therefore, the genuineness of applicants story about his travelling on 8-8-05 and after falling down from the train had died on the spot on 8-8-05 is suspect e and same is not clearly established.

Moreover, the ticket No.B 35003795 dated 8-8-05 from Vadodara to Valsad claimed to have been recovered from the deceased (certified copy of which has not been placed on record) is an ordinary second class ticket whereas the applicants have claimed that the deceased was travelling in 9058Up Vadodara-Valsad Intercity Express which was not valid for this train. Train.

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After hearing arguments on this issue, I find momentum of force in the submissions of Ld. Counsel for the respondent. The applicant miserably failed to prove that the incident took place on 8-8-2005 and the deceased was travelling as bonafide passenger and fell down therefrom and as a result sustained injuries and died in an untoward incident in terms of Section 123(c) of the Railways Act, 1989.

It transpires from the above discussion that the applicant has not come out with clean hands before the Tribunal. There is total variance with the pleadings as well as evidence produced on record. Taking into consideration the facts and circumstances of case based on the above mentioned issues, I come to the conclusion that the applicant has failed to establish that the incident took place on 8-8-05 and the deceased was bona fide passenger in train No.9058Up on 8-8-2005 or the incident was covered under Section 123 C (2) of the Railways Act as

untoward incident. Hence, it does not stand proved that the deceased was bona fide passenger and fell down from the train in untoward incident, therefore, I answer both these issues in negation."

8. Before I discuss merits of the case, let refer recent judgment of the Hon'ble Apex Court in case of Lata (supra), whereby, in para 3 to 8, the Hon'ble Apex Court has examined the scope of Railway Act, which read as under:-

*"3. The RCT denied the claim since it was not established that the deceased was a bona fide passenger. As per the Tribunal, though the accident qualified as an "untoward incident" within the meaning of **Section 123(c)(2) of the Railway Act 1989** [3] but since the bona fides could not be established, compensation was denied. The High Court in terms of judgment dated 3rd January 2024 agreed with the findings of the Tribunal, observing that in the absence of any recovery of the belongings of the deceased, the claim had to be rejected. There was an inconsistency between her statement and the facts pleaded in the claim petition about the date of travel of the deceased. She, in her cross examination said that the deceased had boarded the train on 26th November, and information of his death was received on 27th November, however, in the claim petition, the date of journey mentioned is 28th November. Hence, the present appeal. Heard.*

4. The 1989 Act contains 16 Chapters each dealing with a specific aspect. For instance, Chapter II deals with Railway Administrations, IIA deals with Rail Land Development Authority, Chapter IV deals with construction and Maintenance of Works, Chapter VII deals with the Tribunal and Chapter VIII concerns the Carriage of Passengers. Chapter XII and XIII titled as "Accidents" and "Liability of Railway Administration for Death and Injury to Passengers due to accidents" respectively, are

important for us in the present case.

5. For us in the present case, examination of Section 123, 124A, inter alia, is relevant, as such we extract the same:-

“2. Definitions.— *In this Act, unless the context otherwise requires,—...*

(29) “passenger” means a person travelling with a valid pass or ticket;

123 Definitions- *In this Chapter, unless the context otherwise requires,*

(a) "accident" means an accident of the nature described in section 124;

(b) "dependant" means any of the following relatives of a deceased passenger, namely:--

(i) the wife, husband, son and daughter, and in case the deceased passenger is unmarried or is a minor, his parent;

... ..

(2) the accidental falling of any passenger from a train carrying passengers.] ...

124. Extent of liability.— *When in the course of working a railway, an accident occurs, being either a collision between trains of which one is a train carrying passengers or the derailment of or other accident to a train or any part of a train carrying passengers, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or has suffered a loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable*

to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of a passenger dying as a result of such accident, and for personal injury and loss, destruction, damage or deterioration of goods owned by the passenger and accompanying him in his compartment or on the train, sustained as a result of such accident.

Explanation.—For the purposes of this section “passenger” includes a railway servant on duty.

124A. Compensation on account of untoward incidents.—*When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:*

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to— (a) suicide or attempted suicide by him;

(b) self-inflicted injury;

(c) his own criminal act;

(d) any act committed by him in a

state of intoxication or insanity;

(e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purpose of this section, “passenger” includes—

(i) a railway servant on duty; and

(ii) 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.

...

127. Determination of compensation in respect of any injury or loss of goods.— (1) *Subject to such rules as may be made, the rates of compensation payable in respect of any injury shall be determined by the Claims Tribunal.*

(2) The compensation payable in respect of any loss of goods shall be such as the Claims Tribunal may, having regard to the circumstances of the case, determine to be reasonable.”

(emphasis supplied)

6. Section 123(a) defines “accident” with reference to Section 124 which deals particularly with collision of trains or derailment. Section 123(c) defines “untoward incident”, which includes the accidental falling of any passenger from a train carrying passengers. In 1994 however, the Legislature felt apparently that the provision as it stood was insufficient and so, by inserting Section

124A the scope of protection under this Section of the 1989 Act was widened. Under this Section, liability arises irrespective of a wrongful act, neglect or default on part of the railway administration in other words it is “no-fault” liability. [See: **Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527** . Although the scope of this Section covers both death and injury some exceptions have been listed out in the proviso such as “suicide” and “attempted suicide”, the injured/deceased’s own criminal act or a particular act done under intoxication or insanity. By way of the explanation, it has been clarified that a “passenger” which has been otherwise defined in Section 2(29) for the purposes of this Section, includes a Railway servant on duty or a person who has purchased a valid ticket or a valid platform ticket and becomes a victim of an “untoward incident”. The intent of these two Sections is clear; they are meant to provide compensation expeditiously to the victims of unfortunate untoward incidents without imposing the burden of requiring to prove negligence.

7. Given that Section 124A of 1989 Act provides for “no-fault liability”, it is clear that the said provision has a beneficial intent. The Railways although a facet of colonial inheritance, today have been expanded, developed and modernised, serving as the backbone of the nation in terms of movement of material, passengers and also essential goods. Being an arm of the Government of India, one of the overarching principles which govern its actions is that of the welfare State provided for in Article 38 of the Constitution of India. To properly examine whether the present case falls within the scope of the beneficial provision, attention first must be paid to how such a provision is interpreted:

7.1 In a case arising out of the Electricity Act 2003 being **Southern Electricity Supply Co. of Orissa Ltd. v. Sri Seetaram Rice Mill, (2012) 2 SCC**

108 *a Bench of three judges discussed purposive construction and construction of beneficial statutes in a following manner:*

46. "Purposive construction" is certainly a cardinal principle of interpretation. Equally true is that no rule of interpretation should either be overstated or overextended. Without being overextended or overstated, this rule of interpretation can be applied to the present case. It points to the conclusion that an interpretation which would attain the object and purpose of the Act has to be given precedence over any other interpretation which may not further the cause of the statute. The development of law is particularly liberated both from literal and blinkered interpretation, though to a limited extent. ...

57. Treating the statute to be a beneficial piece of legislation, this Court applied purposive interpretation, while observing as under: **(Prabhakaran case [(2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] , SCC p. 533, para 11)**

"11. No doubt, it is possible that two interpretations can be given to the expression 'accidental falling of a passenger from a train carrying passengers', the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion

*the latter of the abovementioned two interpretations i.e. the one which advances the object of the statute and serves its purpose should be preferred vide **Kunal Singh v. Union of India [(2003) 4 SCC 524 : 2003 SCC (L&S) 482]** (SCC para 9), **B.D. Shetty v. Ceat Ltd. [(2002) 1 SCC 193 : 2002 SCC (L&S) 131]** (SCC para 12) and **Transport Corpn. of India v. ESI Corpn. [(2000) 1 SCC 332 : 2000 SCC (L&S) 121]** ”*

7.2 In X2 v. State (NCT of Delhi), (2023) 9 SCC 433 in the context of the permissibility of termination of pregnancy beyond the statutorily provided time period, three judges of this Court observed as follows about the interpretative exercise favouring beneficiaries:

*“37. A catena of decisions emanating from this Court, including **Kerala Fishermen's Welfare Fund Board v. Fancy Food [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341]** , **Bharat Singh v. New Delhi Tuberculosis Centre [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335]** , **Bombay Anand Bhavan Restaurant v. ESI Corpn. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573]** , **Union of India v. Prabhakaran Vijaya Kumar [Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813]** , settle the proposition that progressive and beneficial legislation must be interpreted in favour of the beneficiaries when it is possible to take two views of a legal provision.”*

7.3 O. Chinnappa Reddy J. in Workmen v. American Express International Banking Corpn., (1985) 4 SCC 71 observed:

“4. The principles of statutory construction are

*well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights' legislation are not to be put in Procrustean beds or shrunk to Liliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the "colour", the "content" and the "context" of such statutes (we have borrowed the words from Lord Wilberforce's opinion in *Prenn v. Simmonds* [(1971) 3 All ER 237]). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, *Surendra Kumar Verma v. Central Government Industrial Tribunal-cum-Labour Court* [(1980) 4 SCC 443 : 1981 SCC (L&S) 16 : (1981) 1 SCR 789] , we had occasion to say,*

"Semantic luxuries are misplaced in the interpretation of 'bread and butter' statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the Court is not to make inroads by making etymological excursions."

Also see, *K.H. Nazar v. Mathew K. Jacob*, (2020) 14 SCC 126.

8. What can be understood from the above judgments is that the beneficial legislations are to receive purposive and liberal construction in furtherance of the intentions of the Legislature, as can be discerned, instead of a literal or restrictive approach being adopted.

The overall idea is to make the intention so understood, functional. ”

9. In para 9, the Hon'ble Apex Court held in regards to observation that what family member of the passenger has to do to get compensation. Para 9 reads as under:-

“9. On the aspect of burden of proof, it has been held that the presence of a valid ticket is quite not possibly the only way the bona fide nature of the passenger can be established. In Kamukayi v. Union of India, (2023) 19 SCC 116 the conclusion in Union of India v. Rina Devi, (2019) 3 SCC 572 was referred to in following terms:

“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)

The conclusion of the above discussion is that technical approaches and lapses in procedure should not defeat the welfare aim of the statute as it does not befit the Railways, as an instrumentality of the State, to take such restrictive, pigeonhole view. The governing standard is the preponderance of probabilities and not beyond reasonable doubt, as in criminal trials. The foundational facts that need to be established are - (i) travelling on the basis of a valid ticket; and (ii) an accident leading to death. Courts and Tribunals should always take a view that retains the objective of the Section as being accessible compensation with an underlying humanitarian perspective. [See: Rajni v. Union of India, 2025 SCC OnLine SC 2182] “

10. In the present case, the claimants came out with specific case that the deceased was traveling in train No.9058 Up Vadodara-Valsad Intercity from Vadodara to Valsad on 8.8.2005 and holding ticket No.B 35003795 and the same is

seized by the police for investigation and copy of the same is placed at Exh.A-6. The learned Tribunal on presumption came to the conclusion that since body of the deceased was found on 10.8.2005, he must have been travelling in some other train. The learned Tribunal further found that the claimants failed to explain happening between 8.8.2005 and 10.8.2005, as no one has reported the incident to railway administration and therefore, it is believed that the accident did not take place on 8.8.2005, but on 10.8.2005. It is believed by learned Tribunal that ticket No.B 35003795 dated 8-8-05 from Vadodara to Valsad claimed to have been recovered from the deceased (certified copy of which has not been placed on record) is an ordinary second class ticket whereas the claimants have claimed that the deceased was travelling in 9058Up Vadodara-Valsad Intercity Express which was not valid for this train. From the record, it appears that the dead body of the deceased was recovered between Nabipur and Veradiya station at Km No.341/11 near up railway line track. The railway did not come out with the case that it is a case of suicide or self-inflicted injury, and that the DRM report itself suggests that the deceased fell under the train.

11. Two witnesses examined by the respondent - railway say that the incident was not reported on 8.8.2005. In this juxtaposition and looking to the facts of the case, it is proved that the deceased has lost his life when travelling in railway. Even the dead body of the deceased was found two days after the incident lying near the railway track between Nabipur and Veradiya station at Km No.341/11.

12. In **Doli Rani Saha Vs. Union of India, (2024) 9 SCC 656**, in a case where dead body of the deceased was found three days after the incident, the Hon'ble Apex Court held that mere absence of ticket with injured / deceased is insufficient to reject plea of bona fide passenger. The burden is upon the railway to disprove that the deceased / injured was not bona fide passenger.

13. In view of above, the claimants have successfully established that the deceased was bona fide passenger and lost his life while travelling in train and therefore, present First Appeal requires consideration.

14. For the foregoing reasons, present First Appeal is allowed. Impugned judgment and order dated 8.12.2011 passed by the learned Railway Claim Tribunal in OA No.0600003 is hereby quashed and set aside. The claim petition is allowed.

15. The claimants are entitled to receive claim of Rs.4 lakh with 9% interest from the date of filing of the petition till realization or flat Rs.8 lakhs, whichever is higher.

16. Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

(J. C. DOSHI,J)

SHEKHAR P. BARVE