

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4553 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE J. C. DOSHI SD/-**

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Approved for Reporting	Yes	No
	YES	

MINALBEN NAKULBHAI MISTRI & ORS.**Versus****UNION OF INDIA****Appearance:****MR KUNAL M SHAH(5588) for the Appellant(s) No. 1,2,3****MR RATHIN P RAVAL(5013) for the Appellant(s) No. 1,2,3****MR SHUSHIL R SHUKLA(5603) for the Defendant(s) No. 1****CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 10/08/2026****JUDGMENT**

1. The limited issue involved in this appeal is whether a person holding a platform ticket can be considered as 'passenger' and consequently, entitled to claim the compensation.

1.1 Being aggrieved and dissatisfied by the judgment and award passed in Case No. OA (IIu)/ADI/2023/0101 by the learned Railway Claims Tribunal, Ahmedabad Bench, by which the claimant's claim application was dismissed, the claimants have preferred the present appeal.

1.2 With consent of learned Advocates for both the sides, the captioned appeal is taken up for final hearing.

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

2.1 Brief facts of the case are as under:

3. On 27.02.2023, the claimants wanted to go from Wankaner to Valsad with valid PNR ticket bearing no.8844735135, by traveling in train no.22717 Rajkot-Secunderabad Express. The deceased – Nakulbhai Mistri went to Wankaner Railway Station to drop them and purchased a platform ticket. They all reached at platform no.2 of Wankaner Railway Station to catch the train. The claimants were traveling with suitcases, handbags and water bags. The deceased was requested to help the claimants in boarding compartment and to put all the luggage as no porter was available at that time. The deceased being husband of the claimant – Minalben Mistri helped and boarded the luggage. After dropping them, the deceased was trying to get down from the compartment, at that time, the said train started moving with all of a sudden jerk and jolt, due to which the deceased lost his balance and accidentally fell down from the train. Due to said fall, he was dragged with the train and sustained multiple grievous injuries, meanwhile he died on the spot. The incident was informed to Superintendent, Wankaner Railway Station and after completing the police formality, the dead body was handed over to the claimants for performing last rituals.

3.1 On the aforesaid factual aspects, the claimants have preferred the claim application to claim compensation of Rs.8,00,000/- with interest. The railway administration contested the claim of the claimants by filing the written statement along with the DRM Report, wherein apart from denying all the averments, it is contended that no ticket/pass/authority had been recovered during the investigation, so the deceased was not a 'bona fide' passenger of the train. Further, it is contended that platform ticket does not fall within the purview of definition of 'passenger' as defined under Section 2(29) of the Railways Act, 1989 (for short, 'the Act') as well as in view of IRCM Vol.I Chapter III para 301 (iii)(c), a platform ticket or platform pass/permit does not entitle the holder to remain in any carriage or compartment and therefore, the applicants admitted that the deceased while trying to de-board the train, fell in the gap of the railway platform, would not be entitled to claim any compensation.

4. The learned Railway Claims Tribunal in all four framed issues analyzed the evidence and believed that the deceased had a platform ticket, but in view of IRCM and Section 2(29) of the Act, the deceased cannot be treated as a 'bona fide' passenger and thus, the claimants are not entitled to claim any compensation on his death due to railway accident.

5. Heard learned Advocate Mr. Rathin P Raval appearing for the applicants/claimants and learned Advocate Mr. Shushil R Shukla appearing for the railway administration.

6. Considering the limited issue involved in the matter, at the outset, let me refer to Section 124-A of the Railway Claims Tribunal Act, 1987, which reads as under:

...^{“1}[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—

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(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.]

6.1 In the Explanation (ii), the 'passenger' include a person who had produced a valid ticket for traveling by train carrying passengers, on any date or a **valid platform ticket** and becomes a victim of 'untoward incident'. Therefore, Explanation (ii) of Section 124-A of the Act repeals the contention and grounds raised by the railway administration that the claimant is not a 'bona fide' passenger.

7. This Court in the case of ***Shobhaben Bharatbhai Vahder*** (supra) examined the issue after considering the object of the act defined by the Hon'ble Supreme Court in the case of *Rajni & Another vs. Union of India*, reported in 2025 LiveLaw (SC) 986. The paragraphs nos.8 and 9 of the judgment in the case of ***Shobhaben Bharatbhai Vahder*** (supra) being relevant reads as under:

*...“8. Recently, the Hon'ble Supreme Court of India in case of *Rajni & Another vs. Union of India & Another* reported in 2025 LiveLaw (SC) 986 addressed the issue and held that mere absence of ticket with the deceased does not negate the claim of being bona fide passenger. It is further held by the Hon'ble Supreme Court that proceedings under Section 124A of the Act are governed by principles of preponderance and probabilities, not the standard of proof beyond reasonable doubt as required in criminal trials. The relevant observations of Hon'ble the Supreme Court in paras:10, 11, 12 and 13*

read as under:

"10. The Appellants case solely rests on the affidavit dated 10.02.2020 filed before the Railway Claims Tribunal namely the affidavit of the wife of the deceased. She has stated in unequivocal terms that her husband late Shri Sanjesh Kumar on the date of the accident i.e., on 19.05.2017 was travelling from Indore to Ujjain by passenger train no. 12485 Ranthambore Express with ticket in second class. She has further deposed that the ticket has been seized by the Police Narwar, District Ujjain. She has also deposed that on previous day night that is on 18.05.2017 she was told by the deceased that he was going out with some work and asked for his Aadhar Card and ID proof and thereafter he left the house with his luggage. Before the Tribunal as well as before the High Court the appellants had placed reliance on Divisional Railway Manager (DRM) note dated 23.02.2019 (R/1) to contend that Police Station Narwar while forwarding the documents to the railway authorities had forwarded a railway ticket bearing no. L1027420 EX dated 19.05.2017 (Indore to Ujjain). The copy of the said railway ticket is at Annexure P-1 which was marked as Exhibit P-6 before the Railway Claims Tribunal. Thus, the initial burden which was cast on the claimants stood discharged. Infact, the High Court while reappreciating the evidence tendered before the Tribunal found that DRM report dated 26.02.2019 (R/1) revealed that at the time of accident, deceased was travelling in train and having fallen from train had sustained injuries and later succumbed to the same. In the teeth of said finding recorded, the High Court held that it established that the death would fall within the purview of

'untoward incident as defined under Section 124 (A) of the Railways Act, 1989. However, while examining the issue as to whether claimants had proved deceased was a bonafide passenger, same was held in the negative on the premise that the railway ticket was not found alongwith the body of the deceased or alongwith the articles found near the body of the deceased. However, the aforesaid DRM Report dated 23.02.2019 (R/1) has recorded a finding as under:

"Ticket Verification: In the documents received from Police Station Narwar in relation to the incident of 19.05.2017, the train travel ticket no. L10274210 from Indore to Ujjain has been verified by the Chief Booking Supervisor Indore on 19.05.2017 and it is stated that the said ticket was issued from Indore Station. (Document attached)."

11. This Court in the case of Doli Rani Saha vs. Union of India³, has held that the burden of proof would shift to the Railways once, the Claimant-Appellant filed an affidavit stating the facts and advertng to the report arising from the investigation conducted by the railway authorities. It has been further held: -

"15. From the recapitulation of the various judicial pronouncements leading to the present appeal, it can be seen that the primary issue is whether the deceased was travelling on the train in question. In Rina Devi [Union of India v. Rina Devi, (2019) 3 SCC 572 (2019) 2 SCC (Civ) 198], a two-Judge Bench of this Court considered the question of the party on which the burden of proof will lie in cases where the body of the deceased is found on railway premises.

This Court held that the initial burden would be on the claimant, which could be discharged by filing an affidavit of the relevant facts. Once the claimant did so, the burden would then shift to the Railways. Significantly, it also held that the mere absence of a ticket would not negate the claim that the deceased was a bona fide passenger. The relevant extract from the ruling of the Court is reproduced below: (SCC P. 588, para 29) "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)

16. In the present case, the appellant had duly filed an affidavit stating the facts and adverting to the report arising from the investigation conducted by the respondent, which showed that the deceased was travelling on the train and that his death was caused by a fall during the course of his travel. The burden of proof then shifted to the Railways, which has not discharged its burden. Therefore, the presumption that the deceased was a bona fide passenger on the train in question was not rebutted.

17. Further, the report of the IO indicates the details mentioned in the post-mortem report. It states that the cause of death was due to an injury sustained on the head and that all injuries were antemortem and caused by "blunt force impact". It also states that forty-eight to seventy-two hours had passed since the time of death."]

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 un rebutted; 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' 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: -as

"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 non-production of a seizure memo of the ticket and for non-examination 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."

9. This Court, in First Appeal No.3793 of 2025 referred to the judgment of the Hon'ble Supreme Court reported in *Union of India Vs. Prabhakaran Vijaya Kumar*, reported in (2008) 9 SCC 527 to understand the object of the Railway Act. Paras:5 and 6 thereof read as under:

..."5. The Hon'ble Apex Court in case of Union of India Vs. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527, held that object of the Act is for the benefit of the person for whom the Act was made and should be given liberal and not the strict interpretation. Section 123(c) of the Act on its plain reading appears to be a beneficial piece of legislation. Section 123(c) in fact widened the benefit of untoward accident and even if, the railway is not involved in untoward accident, the railway has been held liable to pay compensation if a passenger travelling in the railway suffers injury or death.

6. The benefit is found to be in inclusive definition. In view of section 123(c)(iii), even if a person is in waiting hall, clock room or reservation or booking office or on any platform or any other place within the precincts of a railway station and received injury or suffered death, the railway is liable to pay compensation."...

7.1 In another judgment in the case of ***Rajeshkumar Mangilal Shah*** (supra), this Court has again examined the issue. The relevant paragraphs nos.5 to 10 of the judgment in the case of ***Rajeshkumar Mangilal Shah*** (supra) are extracted herein-under:

...“5. Learned Advocate Mr. Rathin P Raval appearing for the appellants relied on the judgment of this Court in case of **Union of India vs. Gopalbhai Ramjibhai Jambukiya and Anr. passed in First Appeal No.3052 OF 2017**. I have also heard learned Advocate Mrs. Krishna G Raval appearing for the Railway Administration.

6. What could be noticeable that the incident is undeniable. The deceased while trying to de-board from the railway at Nadiad railway station, received fatal injuries and died on the spot. He was also having platform ticket.

7. This Court in the case of **Union of India Through General Manager vs. Nikeshkumar Ramjibhai Patel passed in First Appeal No.1383 OF 2023** in paragraph 4 held as under:

...“4. It is a case where Railway Authority could not deny that the claimant had two valid railway platform tickets and pursuant to which he had entered in the Railway Station. The untoward incident took place when he was alighting from the train after setting the luggage of his relatives. The case clear as crystal where the claimant can be treated as ‘bona fide passenger’ under Section 124A of the Railway Act more particularly reading the Explanation whereby in inclusive definition ‘passenger’ is defined and in (ii) thereof it is said that a person holding a valid platform ticket and becomes victim of an untoward incident, is held to be a bona fide passenger. It is nobody’s case that claimant did not receive any injury while he was on the platform and even cannot deny un-controverted untoward incident.”...

8. Further, this Court in the case of **Union of India vs. Gopalbhai Ramjibhai Jambukiya and Anr.** (supra), in paragraphs 6 to 11 held as under:

6. At the outset, let me refer that it is undisputed fact that the deceased was travelling in Okha Gorakhpur Express Train bearing No.15046. It is again admitted position that she boarded from Okha railway station and was to alight at Wakaner railway station. It is also admitted fact that the accident took place at Wakaner railway station when she was alighting from the train and sustained crush injuries and later on, died. The point of difference between the disputing parties, according to claimant that, when deceased was alighting from the train, it was about to stop and deceased was waiting for the train to stop. She was waiting at the door of the train for alighting. However, due to jerk or push received from the back, she fell and received the injuries, whereas according to defendant, when the train was just started, she jumped from the train along with one male and a minor child.

7. The Railway Tribunal assessed the evidence firstly on the ground that the deposition of the claimant has not been challenged by way of cross-examination, and therefore, the contention raised by the claimant goes unchallenged. Similar situation remains for the affidavit filed by the guard for and on behalf of the Railway. The deposition made on the affidavit has not been challenged by way of cross-examination, but a stark difference, which could be noticed from the two affidavits filed by the disputing parties that while entering into the defence, the guard - Mr. Jagdish

Ambaram Parmar did not specify that deceased jumped and fell, but he used the words "Unknown lady". The fallacy of the statement could be noticed also on the ground that, at earlier point of time, the guard - Mr. Jagdish Ambaram Parmar has not made any such statement either before the Police or such statement is not produced on record and secondly, if an unknown lady along with a person and a child jumped and fell on the Wakaner Railway station, then apart from the unknown lady, the two other persons must have received the injury, but the railway did not lead any evidence to that extent.

8. As against the aforesaid evidence, the claimant came out with the clear case that the lady was waiting at the door of the train of Okha Gorakhpur Express to alight on Wakaner Railway station, whereby due to the jerk and jolt received as train was just about to stop along with push from behind, she fell on the Wakaner Railway station and her legs were amputated and later on, she died.

9. The evidence led by the claimant having gone unchallenged is found worth the trust and it has won the confidence of the learned Tribunal.

10. Apposite to refer the scrutiny of evidence made by the learned Tribunal. The relevant observation and finding of the learned Tribunal reads as under:-

"8. ...From the detailed scrutiny of the above documents make it evidently clear that the accidental fall took place, but Respondent attributes negligence to the deceased, though no cogent evidence has been filed in support of the above

mentioned contention of the Respondent. At this stage, in response to the alleged negligence of the deceased, it is worthwhile to quote the judgment of the Hon'ble Supreme Court in Jameela v. Union of India, in Civil Appeal No. 1184 of 2003 decided on 27.8.2010 has observed in Para No. 9 as under:-

'The manner in which the accident is sought to be reconstructed by the Railway, the deceased was standing at the open door of the train compartment from where he fell down, is called by the Railway itself as negligence Now negligence of this kind which is not very uncommon on Indian trains is not the same thing as mentioned in Clause to the proviso of section 124-A. A criminal act envisaged under Clause © must have an element of malicious intent or mensrea. Standing at the open doors of the compartment of a running train may be a negligent act, even as a rash act, but without anything else, it is certainly not a criminal act. Thus the case of the Railway must fail even after assuming everything in its favour'.

XXX XXX XXX

11 Once it is established that the deceased died on account of an accidental fall from the train, the incident squarely falls within the definition of untoward incident u/s 123 (c) (2) of the Railways Act. Moreover, it is now well settled that Sec. 124-A lays down strict liability or no fault liability in case of railway accidents and hence, if a case comes within the purview of Section 124-A, it is wholly irrelevant, as to who was at fault. In the

instant case, the material placed on record reveals that the accident in which the deceased had died is clearly not covered by the proviso to Section 124A and that the incident does not occur because of any of the reasons mentioned in the clauses (a) to (e) of the proviso to Section 124-A.”

11. Section 123(c) of the ‘the Act of 1989’ defines the ‘Untoward accident’ as under:-
“CHAPTER XIII - LIABILITY OF RAILWAY ADMINISTRATION FOR DEATH AND INJURY TO PASSENGERS DUE TO ACCIDENTS

123. Definitions.—In this Chapter, unless the context otherwise requires,—
xxx

(c) “untoward incident” means—

(1)(i) the commission of a terrorist act within the meaning of sub-section (1) of section (3) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(ii) the making of a violent attack or the commission of robbery or dacoity; or

(iii) the indulging in rioting, shoot-out or arson, by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

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

9. The Hon’ble Supreme Court in case of **Shrikumar Gupta & Anr. vs. Union of India, 2025 Live Law SC 1115**, believed that no person would attempt to de-

board or alight from running express train and absence of evidence prove that the deceased has committed the self-inflicted injury, he cannot be denied to be a 'bona fide passenger'. Relevant paragraphs 9 and 10 reads as under:

...“9. Having heard the learned counsel appearing for the parties and on perusal of the records, it would reveal that there was no dispute to the fact that the deceased having purchased a valid ticket to travel from Satna to Maihar. On the relevant date i.e. on 29.05.2013 another express train has also entered the platform in which the deceased was standing and by mistake obviously having seen the train having arrived at the same platform he has boarded the train to travel to Maihar. In fact said express train also passed through Maihar. However, the deceased not being well conversant with these details obviously under mistaken notion has boarded the express train. The DMR Report would also indicate that the deceased had in fact purchased a railway ticket and had expired due to the injuries sustained in the railway accident. It was for this precise reason that both the members of the tribunal held in favour of the claimants, by arriving at a conclusion that deceased was a bona fide passenger. Merely because the deceased had boarded a wrong train, it cannot be construed that he was not a bona fide passenger so as to absolve the railway authorities from contending that deceased not being a bona fide passenger.

10. Insofar as the contention or the plea put forward by the railways that deceased had sustained injuries on account of his own act, though, at first blush looks attractive, we are not inclined to accept the same for the simple reason that no sane person could

have attempted to deboard or alight from a running train that too an express train. The railway authorities have taken a plea in the written statement in paragraph 3 that the deceased had jumped off the train, namely, had alighted at the station where he intended to alight, is a plea without proof. Having raised such a plea, it was incumbent upon the railway authorities to prove the same. However, the DRM Report is also silent on this aspect. For these reasons we are unable to accept the contention of learned ASG. The two members of the tribunal have rightly held that the railway authorities are required to pay the compensation.”...

10. Moreover, if we go through the different dates on record, the DRM report, which has been revealed later by the learned trial Court, is filed subsequent to filing of the claim petition, which is beyond prescribed time limit.”...

8. The finding of the learned Railway Claims Tribunal to discard the claimants' claim petition on the ground that the deceased was not a 'bona fide' passenger, even for a minute does not sustain. The Chapter XIII of the Act has conspicuously defined 'passenger' by legislating the expression under Section 124-A of the Act.

9. One more aspect needs to go through is that the deceased - Nakulbhai Mistri, after dropping his wife in the train, was in the process of de-boarding the train and meanwhile, having received the jerk and jolt fell down from the train and was dragged with the train and sustained multiple injuries due to which he succumbed to death.

10. The Hon'ble Supreme Court in the case of ***Union of India vs. Prabhakaran Vijaya Kumar and Others, reported in 2008 (9) SCC 527***, having referred to Sections 123(c)(2), 124-A and 127 of the Act, examined the expression 'untoward incident', 'accidental falling of any passenger from a train carrying passengers', held that falling down of any passenger from a train carrying passengers held that falling down of a 'bona fide' passenger (i.e. a passenger traveling with a valid ticket or pass) from the train, while trying to board it, is held covered. It is further held that the passenger was not actually inside the train while falling down is inconsequential. In paragraph nos.10 and 11 of the judgment in the case of ***Union of India*** (supra), the Hon'ble Supreme Court has observed as under:

...“10. We are of the opinion that it will not legally make any difference whether the deceased was actually inside the train when she fell down or whether she was only trying to get into the train when she fell down. In our opinion in either case it amounts to an 'accidental falling of a passenger from a train carrying passengers'. Hence, it is an 'untoward incident' as defined in Section 123(c) of the Railways Act.

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 vs. Union of India (2003) 4 SCC 524(para 9), B. D. Shetty vs. CEAT Ltd. (2002) 1 SCC 193 (para 12), Transport Corporation of India vs. ESI Corporation (2000) 1 SCC 332 etc.”...

11. In view of above settled legal position, the factual aspects of the case establishes that the deceased was holding the platform ticket and after dropping his wife in the train, was trying to de-board the train, but due to sudden jerk and jolt, he fell from the train and received injuries which resulted into his death. Therefore, both the expressions ‘untoward incident’ and ‘accidental falling of any passenger from a train carrying passengers’ are satisfied and therefore, the claimant was entitled to receive the compensation.

12. Accordingly, the present appeal is **allowed**. The impugned judgment and award is quashed and set aside.

13. The claimants are entitled to claim the compensation of Rs.8,00,000/- with 9% interest from the date of the accident till the date of this order. The railway administration is directed to deposit the decretal amount within a period of 8 weeks from today before the learned Railway Claims Tribunal, Ahmedabad Bench. Thereafter, the learned Railway Claims Tribunal,

Ahmedabad Bench shall disburse the entire decretal amount to the claimants after due verification of identities. Record and proceeding to be sent back to the concerned Court forthwith.

PARMAR KRISH

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