

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 358 OF 2020

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1) Ashrappa Yellappa Bhandari)

2) Satyamma Ashrappa Bhandari)

All R/o. : Jyoti nagar Zopadpatti,)

Samta Nagar, Near Ahiregaon,)

Dombivli (East), District Thane.)

....Appellants

[Org. Applicants]

Versus

Union Of India,
Through The General Manager,
Central Railway, CST, Mumbai

....Respondent

[Org. Respondent]

Mr. Mohan Rao for the Appellants.

Mr. T. J. Pandian a/w. Mr. Gautam Modanwal & Mr. Prasad Sawant for the Respondent.

CORAM : JITENDRA JAIN, J.

DATED : 02nd APRIL 2026

JUDGMENT :

1. This appeal challenges an order passed by the Railway Claims Tribunal, Mumbai (Tribunal) on 30th April, 2019, whereby, the original application for compensation came to be dismissed only on the ground that the accident does not meet the requirement of “untoward incident”, as contemplated by the Railways Act, 1989. Insofar as, other findings are concerned, they are in favour of the applicant.

2. On 29th January, 2012, Late Mr. Balkrishna Bhandari working as a salesman, was travelling from Kalyan to Dombivli at around 6.00 p.m. in

local train. He met with an accident, while travelling in train, between Thakurli and Dombivli Station. Mr. Balkrishna Bhandari died in the incident and, therefore, the dependents made an application for compensation to the Tribunal, which came to be rejected. It is on this backdrop that the present appeal is filed by the original applicant.

3. I have heard Mr. Rao, learned counsel for the appellants and Mr. Pandian, learned counsel for the respondent.

4. The only issue which arises for my consideration is whether the incident, in which Mr. Balkrishna Bhandari died is an “untoward incident” or not.

5. As per the Divisional Railway Manager’s Report (DRM Report) dated 03rd September, 2014, it is mentioned that the deceased fell down from an unknown train while travelling, since he was standing near the door and, therefore, he was negligent and cannot be compensated. As per Railway Protection Force Report (RPF Report), he should have sat inside the compartment and should not have stood near the door. As per the Executive Magistrate’s Report, again it has come on record that the deceased died on account of falling down from a moving train.

6. As per Station Manager’s Report (SM Report) dated 29th January, 2012, there is a noting in Hindi which states that the deceased was standing on the edge of the platform and, therefore, was knocked down by a moving train. In the pre-printed format also, the tick appears against “struck with local due to standing at the edge of the platform”.

7. In the Government Railway Police Report (GRP Report), it is reiterated that the deceased was standing on the edge of the platform when he was knocked down by an unknown train. In the inquest panchanama

dated 30th January, 2012, it is recorded that the deceased fell down near Thakurli Railway Station on account of he being knocked down by an unknown train.

8. Admittedly, there is no eye witness to the incident. The reports of Station Manager (SM Report) and Government Railway Police Report (GRP Report) are contrary to the reports of the Divisional Railway Manager's Report (DRM Report), Railway Protection Force Report (RPF Report) and Executive Magistrate's Report. The Station Manager's Report (SM Report) states that the deceased was standing near the edge of the platform, whereas, the other reports states that he fell down from a moving train. I fail to understand how these authorities gave contradictory reports, moreso, when there is no eyewitness to the incident.

9. If what is stated in the Station Manager's Report (SM Report) that the deceased was standing at the edge of the platform is to be accepted, then there would have been some eyewitness on the platform who would have observed him. However, nothing has come on record on this issue. Admittedly, the Station Manager was also not an eyewitness to the incident. Therefore, there is a grave doubt on what is stated by the Station Manager (SM) in his report.

10. I am confronted with two contradictory reports. It is important to note that the first report prepared after the "untoward incident" is the Station Manager's Report (SM Report). If that be so, then I fail to understand why the subsequent reports did not adopt the same reasoning of "untoward incident" as recorded in the first report. Instead, in the subsequent reports by three different authorities, it is stated that the deceased fell down from a moving train and died. Also, if the deceased was standing at the edge of platform there would have been some eyewitness.

11. Whenever the Court is faced with contradictory reports by the government authorities and, moreso, while dealing with the welfare legislation granting compensation on account of an “untoward incident” and there being no eyewitness to the incident, the Court would lean in favour of the victim. Therefore, in the absence of any evidence being brought on record by the Railway Authorities and in the light of contradictory findings by various government authorities, this Court has no option but to accept that the deceased died by falling down from a moving train, which constitutes “untoward incident”. In Mumbai local, seldom the seats are vacant to be occupied when a passenger boards train at station other than starting point and even at starting point, people have to jump to occupy seat. Therefore, standing near the door cannot be treated as negligence while considering travelling in Mumbai locals, moreso, on Central Railway line.

12. Assuming that what is stated in the Station Manager’s Report (SM Report) has to be accepted i.e. the deceased was standing on the edge of the platform, then even in that case, the appeal has to be allowed by holding that the deceased died on account of an “untoward incident”, as defined by the Railway’s Act, 1989.

13. On the platform, there is a yellow strip which is to caution the passengers that they should not cross the yellow strip and should stand behind the yellow strip. The yellow strip is there, but nowhere it’s purpose is stated and also there is no announcement or indication on the platform which cautions the passengers that this yellow strip is meant for passengers not to cross or not to enter the danger zone. The authorities should take measures like public announcements or the police authorities on duty at the platform should ensure that the passengers do not cross the yellow strip on the platform. At times, yellow strip is too fade to be visible, so authorities

should get it painted regularly like zebra crossings are painted regularly. Also, authorities should consider “RED” colour which would indicate that passengers crossing the laxman rekha is entering danger zone.

14. Some education is required to make the people aware and the passengers also should comply with the same in their own interest. As a responsible passenger there is a need to inculcate civic sense amongst ourselves like civic sense amongst Japanese people. Generally, when a fast train is moving or crossing a railway station which does not have a halt, an announcement is made for the passengers on that platform to be away from the edge of the platform. However, same is not the position when the train is approaching the railway station which has a halt. Therefore, appropriate remedial measures are to be taken to avoid any such incidents.

15. Mr. Pandian, learned counsel states that pursuant to a Public Interest Litigation (PIL) on Railway safety measures, the Railway's have taken appropriate steps and he will ensure that even the suggestions made in this order for a yellow strip will be considered by the authorities. I appreciate the steps taken by the Railway Authorities and expect passengers to co-operate too.

16. The issue whether death occurs on account of the passenger being knocked down while he is standing at the edge of the platform came up for consideration before the Delhi High Court in the case of *Prahalad & Ors. vs. Union of India*¹ and *Kala vs. Union of India*². The Delhi High Court has in detail considered this issue and has come to a conclusion that even if a person is standing near the edge of the platform and meets with an accident, he is entitled to the compensation. In my view, the present case is no different than what was before the Delhi High Court. Therefore, the

1 2025 SCC OnLine Del 6161

2 2011 SCC OnLine Del 1155

decision of the Delhi High Court squarely applies to the facts of the present case.

17. In view of above, the appeal is allowed. The applicants to make an application to the respondent alongwith the present order for compensation of Rs.4 lakhs along with interest @ 6% per annum and furnish their bank details. The respondent to remit the amount of compensation, subject to a cap of Rs.8 lakhs within 12 weeks from making such an application.

18. The amount should be remitted equally to two applicants in their respective bank accounts. The interest will be from the date of the accident till the date of payment.

19. Appeal is allowed in above terms.

[JITENDRA JAIN, J.]