

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.110 of 2024

1. Smt. Pinki Devi, wife of deceased Rajendra Saw
2. Sonu Kumar, minor son of deceased Rajendra Saw
3. Ayush Kumar, minor son of deceased Rajendra Saw
4. Sourabh Kumar, minor son of deceased Rajendra Saw
5. Smt. Nanhaki Devi, mother of the deceased Rajendra Saw

Appellant Nos.2 - 4 being minor are represented through their natural guardian the mother namely Smt. Pinki Devi (appellant no.1)

All are resident of Village/Mohalla Achaljamo, P.O. Achaljamo, P.S. Bishnugarh, District Hazaribagh (Jharkhand)

.... Appellants

Versus

Union of India through the General Manager, Western Railway, Mumbai, Old Building, 1st Floor, Church Gate, P.O. & P.S. Church Gate, District Mumbai

.... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Manish Kumar, Advocate
 For the Respondent : Mr. Ravi Prakash, CGC

Order No.06 / Dated : 17.10.2025

Claimants are in appeal against the judgment and order dated 10.08.2023 passed by Railway Tribunal in Case No.OA (IIU)/RNC/24/2020, whereby and whereunder the claim application has been dismissed for compensation under Section 16 of the Railways Claims Tribunal Act, 1987.

2. As per the case of the appellants/claimants, the deceased- Rajendra Saw on 08.02.2019 was travelling along with co-passenger Mahavir Prasad from Vapi to Chatrapati Shivaji Maharaj Terminal, Mumbai on a valid ticket and met with an untoward accident from a running train, resulting in vital injuries by which he died on spot. The matter was reported by police personnel after the dead body was found lying on the railway track on the Northern side of platform no.2/3 near electric poll no.144/1109 of Umargaon Railway station. Railway ticket, mobile and other personal belongings were recovered from the dead body.

3. The claimant- Pinki Devi was examined by the learned tribunal as A.W. 1 and relevant documents including railway ticket, station master memo, fardbeyan, inquest report, post-mortem report were proved and

marked as exhibit.

4. The trial court dismissed the claim application by recording a finding that the claimants have failed to prove that he was bona fide passenger and died in an untoward accident while travelling in train. It was noted that as per DRM report, two tickets were recovered from the body of the deceased at the time of inquest, whereas claimants referred only one ticket. The sole eye witness- Mahavir Prasad was not examined.

5. It is argued by the learned counsel on behalf of the appellants that the appellants are residents of Hazaribagh, whereas the accident took place somewhere between Vapi and Mumbai which is more than 2000 Km. away from this place therefore, the attendance of the eye witness could not be procured, who had seen the incidence. However, not only the ticket produced, but also the other documentary evidence established that the death was due to an untoward accident by falling from a running train.

6. Learned counsel on behalf of the Railways has defended the impugned order. It is submitted that the claimants have failed to discharge the onus to establish that the death was on account of an untoward accident by fall from the train. Further, the railway ticket was of the date 07.02.2019 purchased at 18:44 hours, whereas the dead body was recovered on the next date. The said railway ticket was valid for only three hours and since two tickets were found from the deceased, but the other co-passenger Mahavir Prasad was not examined.

7. Having considered the submissions advanced on behalf of both sides, it is evident from the Exhibit R-5 which is a report submitted under Section 124 of the Railways Act that the dead body was recovered from the railway track on the northern side of platform no.2/3 of Umargaon Railway station. This establishes the place of occurrence in the railway accident. As per the inquest report (Exhibit A-5 & A-6), the deceased, died on account of fall from a train, resulting in fatal head injuries as detailed in the Postmortem Report (Exhibit A-7). As per the fardbeyan (Exhibit A-3) also, the death was due to fall. Railways Claim Tribunal Act, 1984 is a beneficial piece of legislation and the rules of evidence do not apply in its absolute rigidity. Against the backdrop of these evidences, the finding by the learned

tribunal that the accident was not accidental, is perverse and against the material evidence on record.

8. Under the circumstance, the finding recorded by the learned tribunal is set aside. Claimants are entitled to compensation under Section 16 of the Motor Vehicle Act. In terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident which will be paid by the respondent-Railway within a month of the order.

Miscellaneous Appeal is allowed. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)

Anit

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