

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.198 of 2024

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1. Sri Shiv Shankar Barnwal @ Shiv Shankar Varnwal,
son of Sri Bhagwat Modi
 2. Yogesh Kumar Yogesh
 3. Tarun Kumar Yogesh
 4. Smita Modi, wife of Suman Vinod Modi

Appellant Nos.2 and 3 are sons and appellant no.4 is daughter of appellant no.1 and the appellant nos.1 – 3 are resident of Village, P.O. and P.S. Jaynagar, District Koderma and appellant no.4 is the resident of 243/C/B Wing Patadia Complex Chs Ltd. Uttan Road, behind Jalaram Nagar, P.O. & P.S. Bhayandar West, Thane, Maharashtra

.... Appellants/Claimants

Versus

Union of India through the General Manager, East Central Railway, Hajipur, having its office at P65F + 748, Zonal Office Road, Dighikala East, P.O. Hajipur Industrial Area, P.S. Town Thana, Hajipur, District Vaishali (Bihar)

.... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Rajesh Kumar Mahtha, Advocate
 For the Respondent : Mr. Chandra Prakash, C.G.C.

Order No.11 / Dated : 12.11.2025

Claimants are in appeal against the order dated 28.04.2023 passed by Railway Claims Tribunal Ranchi in OA (IIU)/RNC/46/2019 by which the claim application for compensation on account of death of Aruna Devi in railway accident, has been dismissed.

2. As per the case of the claimants, the deceased- Aruna Devi died in a railway accident on 11.11.2018. Husband of the deceased on 11.11.2018 lodged a written complaint with the Officer-in-Charge, Railway P.S. Koderma with regard to the accident wherein it has been stated that his wife had gone for consulting one Doctor. At around 15:00 hours, he received an information that she had met with an accident with a running train. On receipt of this information, he went to the place of occurrence and found the dead body of his wife lying there.

3. Altogether two witnesses have been examined and relevant documents including the FIR, final report, post-mortem report were adduced into evidence and marked as exhibit.

4. Learned Tribunal rejected the claim application mainly on the

ground that it was not a case of accidental fall from the train rather as per FIR as well as final report, she was run over by the train and therefore, the accident did not come within the definition of Section 123(c)(2) of the Railways Act, 1989.

5. It has been contended by the learned counsel for the appellants that the FIR (Exhibit A2), which was lodged promptly on the very day of the incident, specifically records that the deceased met with an accident involving a train while she was on her way for a medical check-up. The inquest report also corroborates that the death resulted from a train accident. The witnesses examined, have consistently deposed that the death was accidental in nature and caused by a train. No evidence to the contrary has been adduced. It is further urged that had the deceased been actually run over by a train, her body would have been severed or extensively mutilated, which is not borne out from the record. Hence, the finding of the learned Tribunal to the contrary is unsupported by evidence and is, therefore, perverse.

6. Having considered the submissions advanced, the matter for consideration is whether the deceased met with an accident, which will come within the meaning of 'untoward incident' as defined under section 2(n) of the Railway Claim Tribunal Act, 1987.

7. As per the information of accident (Exhibit A-2) lodged by the claimant no.1 on 11.11 2018, the deceased had left her home for medical checkup and to obtain her blood report in the morning at around 10:30. At around 03:00 o'clock, information was received regarding her death, whose body was found lying near the railway line. As per the inquest report, death was due to the deceased being run over by the train. Station diary entry is also to the same effect.

8. Admittedly, there is no witness to the accident. However, son of the deceased, who has been examined as A.W.-2 has deposed that he had gone along with his mother, to Sarmatanr railway station where he purchased a ticket for his mother from this railway station up to Koderma, and saw her off in Asansol - Varanasi passenger train. The accident took place near Hirodih. It has come in the cross-examination that this place was at a distance of about 10 km from Sarmatanr. It therefore, does not appear to

reason that the deceased would have walked 10 km to the place of occurrence where the fateful accident took place. Simply because the tickets could not be produced or found from the place of occurrence, cannot be a ground to presume that deceased was not a bona fide passenger.

9. In this view of matter, the finding recorded by the learned Tribunal that the deceased was not a bona fide passenger, is not sustainable and is accordingly, set aside. The weight of evidence is suggestive of the fact that the deceased had boarded the train at Sarmatanr and the accident took place somewhere near Hirodih station.

10. Claimants being the dependents are entitled to compensation in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, a sum of Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident till the date of payment which will be paid by the respondent-Railways within a month of the order. Accident took place on 11.11.2018 therefore, notification dated 22nd December, 2016 will be applicable.

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

(Gautam Kumar Choudhary, J.)

Anit

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