



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO. 200304 OF 2024 (RCT)

BETWEEN:

1. AMBIKA W/O LATE RAMESH TELGUR,
AGE: 38 YEARS, OCC: HOUSE HOLD.
2. MASTER ABHISHEK S/O LATE RAMESH TELGUR,
AGE: 17 YEARS, OCC: STUDENT.
3. KUM. SANJANA D/O LATE RAMESH TELGUR,
AGE: 14 YEARS, OCC: STUDENT,

THE APPELLANT NO.2 AND 3 ARE MINORS U/G,
OF THEIR MOTHER APPELLANT NO. 1.

4. SMT. MALLAMMA W/O LATE BASAWARAJ TELGUR,
AGE: 65 YEARS, OCC: HOUSEHOLD,
ALL ARE RESIDENCE OF MAILAPUR AGASI,
TQ. AND DIST. YADGIRI.

...APPELLANTS

(BY SRI. SHARANABASAPPA K. BABSHETTY, ADVOCATE)

AND:

UNION OF INDIA,
THROUGH GENERAL MANAGER,
SOUTH CENTRAL RAILWAY,





SECUNDERABAD (TS)-500003.

...RESPONDENT

(BY SRI SUDHIRSINGH R. VIJAPUR, DSGI)

THIS MFA IS FILED U/S. 23(1) OF THE RAILWAY CLAIMS TRIBUNAL ACT, PRAYING TO SET ASIDE THE JUDGMENT DTD. 14-02-2017 PASSED BY THE RAILWAY CLAIMS TRIBUNAL BANGALORE BENCH, IN CASE NO. OA II U 048/2013 AND AWARD AND COMPENSATION AMOUNT AS CLAIMED BY THE APPELLANTS.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

1. This appeal arises out of the judgment dated 14.02.2017 passed in OA II U 048 of 2013 on the file of the Railway Claims Tribunal (Bangalore Bench), whereby the claim petition came to be dismissed.
2. For the sake of convenience, the parties are referred to according to their rank before the Tribunal.
3. It is the case of the applicants that the husband of applicant No.1-Ramesh Telgur, was travelling from



Mumbai to Raichur by Train No.16381 – Jayanthi Express. He accidentally fell down from the running train near Chikkasugur Railway Station. It is stated that the body of the deceased was found lying in an unconscious state in the yard of Chikkasugur Railway Station and thereafter, he succumbed to the injuries sustained in the said incident. Hence, the claimants approached the Tribunal seeking compensation.

4. The claim application was contested by the respondents by filing objections and denying the averments made therein.

5. Before the Tribunal, the applicants examined one witness as AW-1 and marked 11 documents as Exhibits A1 to A11. On the other hand, the respondents did not adduce any oral or documentary evidence.



6. The Tribunal, after considering the material on record, by judgment dated 14.02.2017, dismissed the claim petition. Being aggrieved by the same, the applicants have preferred this appeal.

7. I have heard Sri. Sharanabasappa K. Babshetty, learned counsel appearing for the appellants and Sri Sudhirsingh R. Vijapur, learned Deputy Solicitor General of India appearing for the respondent.

8. It is contended by Sri. Sharanabasappa K. Babshetty, learned counsel for the appellants that there is no dispute with regard to the death of the deceased, who is the husband of applicant No.1, on account of the railway accident. Despite this, the Tribunal committed an error in concluding that the incident cannot be construed as an "untoward incident" and that the deceased was not a bona fide passenger. On such erroneous reasoning, the claim



petition was dismissed, which calls for interference in this appeal. It is further contended that the applicants are entitled to compensation for the death of Ramesh Telgur in the said accident.

9. Per contra, Sri Sudhirsingh R. Vijapur, learned Deputy Solicitor General of India appearing for the respondent, sought to justify the impugned judgment passed by the Tribunal.

10. Having considered the submissions made by the learned counsel for the parties and upon careful perusal of the records, it is seen that on 07.12.2012, the deceased, Ramesh Telgur, fell down from the moving Train No.16381 – Jayanti Express near Chikkasugur Railway Station yard. As per the panchanama, the body of the deceased was found lying on the track at Chikkasugur Railway Station. In that view of the matter, the finding recorded by the



Tribunal dismissing the claim petition is contrary to the material on record, particularly when the case of the applicants squarely falls within the purview of Section 124-A of the Railways Act, 1989.

11. The Hon'ble Supreme Court, in the case of ***Rajni and Another v. Union of India and Another***, reported in ***2025 INSC 1201***, in paragraphs 14, 15 and 16, has held as under:

"14. Hence, we reaffirm that proceedings under Section 124-A of the Railways Act are not criminal trials demanding proof beyond reasonable doubt, but welfare statutes are governed by the principles of preponderance and probabilities. Once the foundational facts of (i) possession or issuance of a valid ticket, and (ii) occurrence of an accidental fall from a train, are established through credible material, the statutory presumption of bona fide travel must operate in favour of the claimant. The Railways, as an instrumentality of the State, cannot defeat such claims by pointing to procedural imperfections in investigation or non-examination of formal witnesses. To hold otherwise would erode



the beneficial character of the legislation and convert a social-justice remedy into a forensic obstacle race.

15. It is therefore declared that where an official railway inquiry or evidentiary record verifies the issuance of a ticket corresponding to the date and route of an untoward incident, such verification shall constitute prima facie proof of bona fide travel, shifting the evidentiary burden on the Railway Administration. The absence of a seizure memo, or the inability of the police to preserve physical evidence, cannot by itself defeat a legitimate claim when the totality of circumstances supports the claimant's version. This principle shall guide all future tribunals and High Courts in construing Section 124-A, so that the statutory right to compensation remains real, accessible, and consonant with the humanitarian purpose of the enactment.

16. In the light of the foregoing discussion, we are of the considered view that the findings of the Railway Claims Tribunal and the High Court would not be sustainable and would warrant our Interference. Hence, the Judgment dated 16.01.2023 passed by the Railway Claims Tribunal Bhopal Bench in Case No. OA-IIU/BPL/96/2019 and the Order dated 15.05.2024 passed by the High



Court of Madhya Pradesh at Jabalpur in Miscellaneous Appeal No.3451 of 2023 are hereby set aside and the claim petition is allowed in part and the Respondents are directed to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs) to the appellants-applicant within 8 (eight) weeks from the date of this Order, failing which the amount awarded by this Court shall carry interest at the rate of 6% per annum from the date of Order of this Court till payment. Pending applications, if any, stands disposed of."

12. Following the law laid down by the Hon'ble Supreme Court in the aforesaid decision and further the respondent has not adduced any evidence as to counter the case of the claimants, I am of the opinion, the respondent in the present case is directed to pay compensation of Rs.8,00,000/- to the applicants within four weeks from the date of receipt of a certified copy of this judgment, failing which the said amount shall carry interest at the rate of 6% per annum from the date of this judgment till realization.



13. Accordingly, the following order is passed:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The judgment dated 14.02.2017 passed in OA II U 048 of 2013 on the file of the Railway Claims Tribunal (Bangalore Bench) is hereby set aside.
- iii) The respondent is directed to pay compensation of Rs.8,00,000/- to the applicants within four weeks from the date of receipt of a certified copy of this judgment, failing which the compensation shall carry interest at the rate of 6% per annum from the date of this judgment till realization.



NC: 2026:KHC-K:1817
MFA No. 200304 of 2024

iv) Sri Sudhirsingh R. Vijapur, DSGI is
permitted to file the memo of appearance
within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 22
CT:PK