

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1076/2008

Shankar Lal S/o Sh. Kisanlal, age 52 years R/o Adalat Road Guru
Dware Ke Pass Chowmahala, Thana Gangshar, District Jhalawar

----Appellant

Versus

1. Union of India through Western Central Railway Jabalpur
2. Smt. Jatan Bai W/o Shankar Lal age 48 yrs. R/o Adalat
Road Guru Dware ke Pass, Cowmaala, Thana Gangdhar,
District Jhalawar

----Respondent

For Appellant(s)	:	Mr. Deepak Goyal, Adv.
For Respondent(s)	:	Mr. Pawan Pareek, Adv. with Mr. Manish Acharya, Adv.

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

1.	Date of conclusion of Arguments	30.01.2026
2.	Date on which the judgment was reserved	30.01.2026
3.	Whether the full judgment or only operative part is pronounced	Full
4.	Date of pronouncement	23.02.2026

1. The appellant-Shankar Lal S/o Kishanlal has filed the present appeal under Section 23 of the Railway Claims Tribunal Act, 1987 (hereinafter referred to as '**the Act of 1987**' for short) challenging the judgment/award dated 20.09.2007 passed by the learned Railway Claims Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as '**learned Tribunal**' for short) in Claim Petition No. O.A. No.II/17/2004 titled as Sh. Shankar Lal and Anr. Vs. Union of

India, whereby the claim petition filed by the appellant was dismissed.

2. Learned counsel submitted that the appellant is the father of the deceased Mohan Lal, who died in a railway accident that occurred on 16.06.2003, while he was traveling from Chowmahala to Kota in Train No.2955 (Dn. Mumbai Central – Jaipur Super Fast Exp.). Learned counsel submitted that the deceased had a valid second class passenger ticket and due to jerk and heavy rush in the compartment, he fell down from the train and died on the said unfortunate day i.e. 16.06.2003. The appellant thereafter filed a claim petition before the learned Tribunal which was registered as O.A. No.II/17/2004. He further submitted that the deceased was the unmarried son of the appellant and that the appellant was informed about the mishap by one Brij Mohan Punjabi, a resident of the same area and well known to their family, and that the body was therefore identified.

3. Learned counsel further submitted that for the said incident a MERG Report under Section 174 Cr.P.C. bearing No.6/2003 dated 16.06.2003 was registered by the Police. He further submitted that on perusal of the postmortem report, it is evident that the deceased suffered serious injuries all over the body, including the head. The postmortem report further disclosed that the deceased died as a result of falling from the train, therefore, there is no dispute that the deceased died during his journey by train on the unfortunate day. However, the claim was not properly examined and entertained and was wrongly rejected by the learned Tribunal.

4. Learned counsel further submitted that in Exhibit A/5 i.e. Final Report prepared under Section 174 Cr.P.C., it was specifically

recorded that the deceased died due to falling from the running train, however, the accident was not noticed by any passenger, and therefore, the complete incident, though, went unnoticed immediately, however, later on somebody informed the Chowmahala Station Master that a dead body was lying under the railway bridge, who then informed the police. Thereafter the body was picked up by the police around 10:30 a.m. and the postmortem was conducted at around 12:40 p.m. on 16.06.2003 itself.

5. Learned counsel further submitted that despite sufficient evidence on record, the learned Tribunal wrongly rejected the claim petition by passing impugned order dated 20.09.2007. He, therefore, prayed that the police investigation itself contains specific fact that the deceased died due to falling from the running train and the complete belongings were found missing, therefore, the appellant deserves to be granted compensation as claimed in the claim petition and the present appeal deserves to be allowed by quashing the impugned order.

6. Per contra, learned counsel for the respondent-Union Of India, Mr. Pawan Pareek vehemently opposed the arguments and submitted that the learned Tribunal minutely examined the place and time of the incident and further no valid ticket was recovered from the possession of the deceased, therefore, it could not be proved by any means that the deceased was a bona-fide passenger and was having a valid ticket. He further submitted that there is no clear and specific evidence to prove that the deceased died in the rail accident during the journey, and therefore, the appellant was rightly held not entitled to compensation.

7. Learned counsel for the respondent-Railway further submitted that there is a serious dispute in the timings of the alleged incident. According to learned counsel, the body was first recovered, and thereafter, the alleged train arrived at the station and departed after taking passengers from the station and there is no connection between this sequence of events and the story of incident as recited by the appellant. In view thereof, he prayed that the present appeal, being devoid of merits, deserves to be dismissed and the order passed by the learned Tribunal deserves to be affirmed by this Court.

8. Heard learned counsel for the parties and perused the record.

9. This Court after going through the record of the learned Tribunal noted that the instant claim petition was filed by the appellant before the learned Tribunal by stating that his unmarried son, Mohan Lal, died in a railway accident for which he is entitled to compensation of Rs.8,00,000 (Rupees Eight Lakhs) with interest @ 12% per annum. The learned Tribunal, while examining the claim, framed four issues, which reads as under:

"1. Whether on 16/06/2003, deceased Shri. Mohan Lal was travelling from Choumala to Kota on valid railway journey ticket and was a bonafide passenger of the said train?

2. Whether the deceased accidentally fell down from the said train near the Choumala railway station, sustained grievous injuries and died on the spot as a result of this untoward incident within the meaning of Section 123 (c) (2) of the Railways Act, 1989?

3. Whether the applicants are the sole dependants of the deceased and are entitled to

compensation as claimed under Para 16 of the claim petitioner?

4. *Any other relief?"*

10. The first issue was in respect of presence of a valid journey ticket, which was required to be proved by the appellant, so as to prove that the deceased was a bonafide passenger. The second issue was as to whether the deceased accidentally fell down on the said day from the train, sustained grievous injuries and died on the spot. As far as the Issue No.1 is concerned, the case of the respondent-Railway, as orally submitted, is that the deceased committed suicide and was not travelling by train, as they have questioned the claim on the ground that the deceased was not carrying a valid journey ticket.

11. This Court has considered the issue with regard to absence of a valid ticket in terms of various judgments passed by the Hon'ble Apex Court while deciding **Civil Miscellaneous Appeal No. 823/2010** (Sanjay Kumar and Anr. Vs. Union of India and Ors.) vide judgment dated 16.01.2026, wherein this Court considered the judgment passed by the Hon'ble Apex Court in the cases of **Jameela vs. Union of India¹**, **Union of India Vs. Rina Devi²**, **Kamukayi and Ors. Vs. Union of India³**, **Doli Rani Saha Vs. Union of India⁴** and **Shri Ramesh Kumar and Anr. Vs. Union of India⁵**, where consistently the Hon'ble Apex Court has held that **just because the ticket was not recovered during the recovery, compensation cannot be denied.** The

1 (2010) 12 SCC 443

2 2019(3) SCC 572

3 (2023) 19 SCC 116

4 (2024) 9 SCC 656

5 S.B. Civil Miscellaneous Appeal No.1215/2022 decided on 06.12.2025

relevant Paras of the judgment of **Sanjay Kumar (supra)** are reproduced here as under:-

*"8. Learned counsel further relied upon the judgment passed by the Hon'ble Apex Court in the case of **Jameela Vs. Union of India**⁶. Relevant paras of the judgment are quoted hereunder:-*

"7. It is not denied by the Railway that M. Hafeez fell down from the train and died while travelling on it on a valid ticket. He was, therefore, clearly a "passenger" for the purpose of section 124A as clarified by the Explanation. It is now to be seen, that under section 124A the liability to pay compensation is regardless of any wrongful act, neglect or default on the part of the railway administration. But the proviso to the section says that the railway administration would have no liability to pay any compensation in case death of the passenger or injury to him was caused due to any of the reasons enumerated in clauses (a) to (e).

8. Coming back to the case in hand, it is not the case of the Railway that the death of M. Hafeez was a case of suicide or a result of self-inflicted injury. It is also not the case that he died due to his own criminal act or he was in a state of intoxication or he was insane, or he died due to any natural cause or disease. His falling down from the train was, thus, clearly accidental.

6. (2010) 12 SCC 443

9. *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 a criminal act mentioned in clause (c) to the proviso to section 124 A. A criminal act envisaged under clause (c) must have an element of malicious intent or mens rea. Standing at the open doors of the compartment of a running train may be a negligent act, even 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.*

10. *We are, therefore, constrained to interfere in the matter. The judgment and order of the High Court coming under appeal is set aside and the judgment and order of the Tribunal is restored. Since a period of more than 10 years has already elapsed from the date of the judgment of the Tribunal, the compensation money along with interest need not be kept in fixed deposits, but should be paid to the appellants in the ratio fixed by the Tribunal. The payment must be made within 2 months from today.*

9. In support of this argument, learned counsel relied upon the judgment passed by the Hon'ble Apex Court in the case of **Union of India Vs Rina**

Devi⁷, wherein the Apex Court has held that the death or injury in the course of boarding or de-boarding of a train will be an '**untoward incident**', which entitles the victim for compensation. Relevant paras of the judgment are reproduced below:-

"Re: (ii) Application of Principle of Strict Liability Concept of Self-Inflicted Injury

20. From the judgments cited at the Bar we do not see any conflict on the applicability of the principle of strict liability. Sections 124 and Section 124A provide that compensation is payable whether or not there has been wrongful act, neglect or fault on the part of the railway administration in the case of an accident or in the case of an 'untoward incident'. Only exceptions are those provided under proviso to Section 124A. In *Prabhakaran Vijaya Kumar (supra)* it was held that Section 124A lays down strict liability or no fault liability in case of railway accidents. **Where principle of strict liability applies, proof of negligence is not required. This principle has been reiterated in Jameela (supra).**

21. Coming to the proviso to Section 124A to the effect that no compensation is payable if passenger dies or suffers injury due to the situations mentioned therein, there is no difficulty as regards suicide or attempted suicide in which

case no compensation may be payable. Conflict of opinions in High Courts has arisen on understanding the expression 'self inflicted injury' in the proviso. In some decisions it has been held that injury or death because of negligence of the victim was at par with self inflicted injury. We may refer to the decisions of High Courts of Kerala in Joseph PT (supra), Bombay in Pushpa (supra) and Delhi in Shayam Narayan (supra) on this point.

[...]

25. We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in United India Insurance Co. Ltd. versus Sunil Kumar³⁴ laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicles Act, 1988. Accordingly, **we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor.**

[...]

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."

10. In the aforesaid judgment, the Hon'ble Apex Court held that mere absence of a ticket with the injured or deceased will not negate the claim that the deceased was a bona-fide passenger.

11. Learned counsel also relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Kamukayi & Ors. Vs Union of India***⁸, wherein the similar controversy was examined by the Hon'ble Apex Court and it was held that **just because during recovery ticket was not found, the compensation cannot be denied.** Relevant para of the judgment is quoted hereunder:-

"18. [...] Considering the material brought on record, in our view, the initial burden that the deceased passenger was having a valid ticket has

been discharged shifting onus on the Railway Administration to disprove the said fact. Nothing has been placed before Claims Tribunal or brought on record during the course of hearing that the Railway Administration has discharged the burden of not having the valid railway ticket with the deceased passenger, except to say that during recovery ticket was not found. In absence of any cogent evidence, notwithstanding anything contained in any other law, the Railway Administration shall be liable to pay compensation as prescribed."

12. Learned counsel also relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Doli Rani Saha Vs. Union of India***⁹, wherein the Hon'ble Apex Court considered the judgment passed in the case of ***Rina Devi*** (supra) and held that mere absence of ticket with the injured or deceased cannot negate the claim that the deceased was a bona-fide passenger. Relevant paras of the judgment are quoted below:-

"13. 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 (supra), 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:-

"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.

14. 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."

13. Apart from above, learned counsel also relied upon the judgment passed by the Co-ordinate Bench of this Court in the case of ***Shri Ramesh Kumar and Anr. Vs. Union of India***¹⁰, wherein the facts were almost similar, as the ticket was not found on the body of the deceased and the Court, after considering the legislative intent of the Sections 123(c)(2) & 124A of the Act of 1989, held that mere non recovery of a travel ticket specifically in the cases where deceased body was found in a crushed condition cannot be a ground to deny the compensation and accordingly the claimants were held entitled for compensation."

12. Therefore, in view of the above judgment, this Court, in the present case, has reached to the conclusion that the learned Tribunal has erroneously decided issue No.1 against the appellant and the findings as recorded, being perverse, are hereby quashed and set aside. As far as the findings recorded on issue No.2 is concerned, this Court considered the Final Report submitted by the Police under Section 174 Cr.P.C. wherein, it was recorded, after detailed investigation it was recorded, that the deceased died due to falling from the running train on 16.06.2003. Once this fact was recorded by police on the basis of their investigation and no

contrary fact or evidence was produced by the respondent-Railway to counter these facts as recorded by the police in its Report, therefore, the objection raised by the respondent-Railway is not convincing and is rather clearly baseless.

13. This Court has also considered the impugned order dated 20.09.2007 passed by the learned Tribunal and noted that, while jointly deciding the issue No.1 and 2, as quoted above, the learned Tribunal recorded the submissions of the learned counsel for the respondent-Railway that the alleged incident took place before 06:20 a.m. on 16.06.2003, whereas the said train arrived at the station at 06:31 a.m. and departed at 06:33 a.m., and much before it, Deputy Superintendent of Railway Station, Chowmahala gave information to the S.H.O. Gangdhar at about 06:20 a.m. about an unknown dead body lying below the railway bridge. It is on the basis of this submission, the learned Tribunal considered the evidence of the material witness, including the Railway Guard Tejpal and believed the version of the respondent-Railway and concluded, while deciding issue Nos.1 and 2, that the deceased was not carrying a valid railway ticket and he had died much before the train arrived at the station, and therefore, the claim petition was held to be not entertainable.

14. While examining the above findings recorded by the learned Tribunal, this Court considered the final conclusion recorded by the police in its report filed under Section 174 Cr.P.C., wherein it was specifically mentioned that the deceased died due to falling from a running train. Further, Deputy Station Superintendent, noted that while leaving the duty at about 02:30 p.m. made an entry in the official record of the station reflecting that at around 06:20 a.m.

he was informed that the dead body of a person was lying in the Kali Sindh River. It was on the basis of the said entry made by the Deputy Station Superintendent, Arvind Kumar Sharma mentioned that he informed the police about the dead body at around 06:20 a.m. and that the train arrived much later, this version was erroneously accepted by the learned Tribunal.

15. This Court while examining the fact about the above mentioned timings as recorded by the Dy. Station Superintendent, Arvind Kumar Sharma in Annexure R/3, noted that **the said entry was recorded by him while leaving his duty at 02:30 p.m. on 16.06.2003. There is no document on record, which may show that Arvind Kumar Sharma had informed the police about the body at around 06:20 a.m.. In this regard, there is no such mention even in the police record to show that the said information was given to the police by Dy. Station Superintendent at 06:20 a.m.. In absence of above, the version of the respondent-Railway based on evidence of Deputy Station Superintendent cannot be accepted as true.**

16. This Court fails to find any justified reason which made the learned Tribunal to believe the version of the respondent-Railway that the incident occurred before 06:20 a.m., i.e. much before the arrival of train. The respondent-Railway has failed to counter the findings as recorded by the police in the report prepared under Section 174 Cr.P.C. in respect of the incident dated 16.06.2003. Therefore, on the basis of the Police Report, there is no reason to doubt the version of the claimant that the deceased died on 16.06.2003 on account of the unfortunate incident when he was traveling from Chowmahala to Kota.

- 17.** In view of the above discussions, the findings as recorded by the learned Tribunal, while deciding the issue Nos.1 and 2, are found to be perverse and the same are hereby quashed and set aside. Issue Nos.1 & 2 are decided in favour of the appellant. Issue No.3 is also decided in favour of the appellant, he being the father of the deceased, who was his unmarried son. The appellant is held entitled to the compensation as claimed before the learned Tribunal also in terms of the law settled, as discussed by the Hon'ble Supreme Court. The claim petition filed before the learned Tribunal is allowed and the appellant is held entitled to compensation of Rs.8,00,000 (Rupees Eight Lakh) with interest @ 9 % per annum from the date of filing the claim petition till the date of realisation. The amount of compensation be deposited by the respondent-Railway within a period of eight weeks before the learned Tribunal. On deposition of the claim amount, learned Tribunal shall disburse the same in terms of the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020.
- 18.** Accordingly the appeal is allowed.
- 19.** No order as to costs.
- 20.** All pending application(s), if any, stands disposed off.

(RAVI CHIRANIA),J