IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.838 OF 2022

1. Bhaskar Kandh Panda, Age 52 years,
2. Prafulla @ Pranita Bhaskar Panda, Age 48 years,
Both r/at Pratibha Niwas Chawl No.1,
Kajupada Pipe Line, Kurla (W),
Mumbai-400072. Appellants

Versus

Union of India through
The General Manager, Central Railway,
CST, Mumbai-400001. Respondent

Mr.S.V.Chaugule for Appellant.

Mr.Niranjan Shimpi with Ms.Bhagyashri Waghmare for Respondent

---

CORAM : AARTI SATHE, J.

Date of Reserving the Judgment : 9th October 2026
Date of Pronouncing the Judgment : 16th October 2026

JUDGMENT :

1. The present First Appeal is filed by the Appellants being aggrieved by the Judgment and Order dated 5th March 2020 (hereinafter referred to as the "**impugned judgment and order**") passed by Railway Claims Tribunal, Mumbai, 2nd Bench, Mumbai (hereinafter referred to as the "**Tribunal**') in Claim Application No. OA (II u)/MCC/0957/2015 under Section 23 of the Railway Claims Tribunal Act, 1987, whereby the following order came to be passed:

"ORDER

The claim application is dismissed. Parties shall bear their own costs."

MANISH SURESHRAO THATTE
Digitally signed by MANISH SURESHRAO THATTE
Date: 2026.10.16 15:35:06 +0530

2. Brief facts are as follows:

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

(i) Appellant No.1 is the father of the deceased and Appellant No.2 is the mother of the deceased. Sometime around 1st September 2015, Mr.Sandeep P.Panda (deceased), the son of the Appellants, met with an accident at approximately 20.30 hours while travelling from Belapur to Chhatrapati Shivaji Maharaj Terminus ('CSMT') Railway Station. The deceased was travelling to Belapur for his personal work as per Appellants' contention and it is further their contention that the deceased was travelling from Belapur to CSMT to meet his friend. When the deceased reached Belapur Railway Station and boarded the train towards CSMT, the deceased fell down from the train as he received a push in the crowded train. It is the Appellants' contention that railway ticket for the journey between Kurla and Belapur had been recovered in the Inquest Panchanama as the wallet of the deceased was found on his body, however, the ticket from Belapur to CSMT had not been recovered.

(ii) The Appellants filed Claim Application No. OA (II u)/MCC/0957/2015 before the Tribunal claiming for compensation on account of the accidental death of the deceased by falling of the train between Kurla and Chunabhatti Railway Station. The deceased after the fall was taken to Sion Hospital and the said hospital certified that the death of the deceased was due to the injury to skull;

(iii) Before the Tribunal, the Appellants filed photocopies of Station Master (S.M.) Memo, police report, inquest panchanama, cause of death certificate, statement of Appellant No.1, ration card, etc;

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

(iv) The Respondent Central Railway (`Respondent-Railways') on the other hand filed Divisional Railway Manager (DRM) report along with certain documents.

3. Before the Tribunal, the affidavit of Appellant No.1 dated 19th December 2019 was filed wherein the Appellant No.1 deposed that the deceased was his son and was residing at Chembur (East) along with his mother (Appellant No.2). He also deposed that the deceased was doing labour job and was earning Rs.3,000/- per month and was paying Rs.2,000/- to the Appellants to meet the household expenses. On 1st September 2015, the deceased left his house at Chembur around 15.30 hours with a view to go to Kurla for his personal work and thereafter visited their home at Kajupada, Kurla (West). It is further deposed that thereafter the deceased decided to go to Belapur for his work and once he reached Kurla, he purchased ticket No.AB-08429563 to enable him to travel from Kurla to Belapur. However, after his work was completed at about 20.00 hours, the deceased decided to go to CSMT to meet his friend and purchased railway ticket for the journey between Belapur and CSMT. The deceased thereafter boarded the local train going towards CSMT. Appellant No.1 deposed that the said train was over crowded. The deceased was standing near the door in the compartment and when the train reached between Kurla and Chunabhatti railway stations, after being pushed forcefully, the deceased fell down from the train and sustained injuries which caused his death. Appellant No.1 submitted that though the deceased was travelling with a valid railway ticket for journey between Belapur and CSMT, the same was lost when the deceased fell down from the train. Similar

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

submissions were made before the Tribunal and considering that the deceased had fallen down from the train, it was submitted that the deceased was a bona fide passenger and on account of an untoward incident, the deceased had died and hence was entitled for compensation.

4. The Respondent-Railways, however, denied the contention of the Appellants before the Tribunal and submitted that as per the DRM report, it was very clear that the deceased had sustained injuries on account of his own criminal act and negligence and that the Respondent-Railways were not responsible for the same.

5. On hearing both the parties and after cross-examination of the Appellant No.1, the Tribunal framed following issues :

I) Whether the deceased was a bonafide passenger of the train in question at the time of accident?

II) Whether the deceased suffered injuries & died in an untoward incident while travelling in the train in question?

III) Whether the Respondent is protected under the exceptional clause of Sec.124(A) of the Railway Act and not liable to pay any compensation?

IV) Whether the applicants are the only dependents of the deceased?

V) Relief ?

6. By the impugned judgment and order, the Tribunal answered certain issues in favour of the Appellants and certain issues against the Appellants. However, ultimately the Tribunal dismissed the Original Application filed by the Appellants on the ground that since only one railway ticket was found on the body of the deceased, for his journey from Kurla to Belapur, and the ticket for the journey between Belapur and CSMT railway station was not recovered from the possession of the deceased, the Tribunal came to the conclusion that the deceased

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

was not a bona fide passenger and on the basis of the aforesaid held that the Appellants were not entitled for the compensation. The Tribunal, however, on a perusal of the police report, inquest panchanama and DRM report came to the conclusion that the deceased had fallen down from an unknown railway between Kurla and Chunabhatti railway stations and succumbed to his injuries on 1st September 2015 in an untoward incident.

7. In view of the aforesaid findings following points arise for determination in the present appeal:

a) Whether the Appellants have proved that the deceased was a bona fide passenger travelling with a valid railway ticket and hence was entitled to make a claim before the Tribunal?

b) Whether the deceased died due to fall from the train or on account of his criminal act and negligence, and hence was not liable to be compensated?

c) Whether the deceased had died by an untoward incident and therefore liable to be compensated by the Respondent-Railways?

d) Whether the exceptions provided in Section 124(A) of The Railways Act, 1989 are applicable to the present case?

e) What reliefs the Appellants are entitled to?

8. Mr.Chaugule, learned counsel appeared on behalf of the Appellants and Mr.Shimpi appeared on behalf of the Respondent Railways. Mr.Chaugule learned counsel appearing on behalf the Appellants submitted that in the facts of the present case, considering the deposition made by the Appellant No.1 in the affidavit, it was quite clear that the railway ticket between Kurla and Belapur had been recovered from the body of deceased, as recorded in the inquest panchanama, from the wallet of the deceased which was found on the body of the deceased.

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

However, the ticket from Belapur to CSMT had not been recovered. He submitted that considering that the ticket had been found for an ongoing journey from the body of the deceased and an affidavit to that effect was filed by the Appellant No.1, the initial burden was discharged by the Appellants and onus was on the Respondent-Railways to rebut the same in the facts of the present case. He also sought to place reliance on the decision in case of **Union of India Vs. Rina Devi**[1] to contend that in the facts of the present case, the issue is squarely covered by the aforesaid decision wherein it was held that mere absence of a ticket on the body of the deceased would not negate the claim that the deceased was a bona fide passenger and initial burden will be on the claimants, which can be discharged by filing an affidavit of relevant facts and the burden will thereafter shift on the Railways and the issue could thereafter be decided on the attending circumstances.

9. Learned counsel for the Appellants further submitted that under Rule 7 of the Railway Passengers (Manner of Investigation of Untoward Incident) Rules, 2003 ("**Rules of 2003**" for short) which were relevant rules applicable at that time, the mandate was that the investigating authority had to prepare a Jamatalashi report and the said report had not been prepared. He submitted that the Rule stipulates the investigating agency to visit the site of the incident, to check for the belongings of the deceased and it also required the investigating agency to make inquiries with the people who handled the body of the deceased for articles of the deceased. He further submitted that, in the facts of the case, the same had not been done. He also submitted that in view of the aforesaid, the deceased was a bona fide

---

1 (2019) 3 SCC 572

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

passenger, and compensation ought to have been paid to the Appellants. He also submitted that the death of the deceased had taken place on 1st September 2015, however, the DRM report was prepared in 2019, after a gap of almost four years, thereby showing utter disregard by the Respondent Railways to follow the due process of law. He further submitted that post amendment of the Rules, the amount of compensation payable in case of death of a passenger as a result of an untoward incident, has been enhanced from Rs.4,00,000/- to Rs.8,00,000/- and by applying the principles in **Rina Devi** (supra) if the amount calculated is less than the amount prescribed on the date of impugned judgment and order of the Tribunal, the claimant would be entitled for the higher of the two amounts. He submitted that in the facts of the present case, the incident had occurred on 1st September 2015. Applying the principles laid down in **Rina Devi** (supra) and the amended Rules, the Appellants would be entitled for the compensation of Rs.8,00,000/-.

10. *Per contra*, learned counsel for the Respondent-Railways submitted that present appeal deserves to be dismissed, inasmuch as, the impugned judgment and order was perfectly valid and reasoned, and therefore, the same need not be interfered in the present appeal. He further submitted that the Appellants had for the first time in the present appeal raised the ground of non-observance of the Rules, which was nothing but an afterthought and hence the same should not be entertained in the present appeal. He submitted that on the basis of the deposition of Appellant No.1, it could be inferred that the entire case of the Appellants was concocted, frivolous and bogus, inasmuch as, considering that the Appellants and

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

the deceased were the residents of Chembur (East), the deceased would have gone to Chembur and not from Kurla station for purchasing the railway ticket to travel to Belapur. He submitted that even otherwise, an ordinary person like the deceased would have purchased the ticket for both way journey and considering that no return ticket was found on the body of the deceased, the finding of the Tribunal that the deceased was not a bona fide passenger, was a correct finding. He further submitted that the statement of Appellant No.1 dated 2nd September 2015 would have more veracity as opposed to the affidavit of Appellant No.1 dated 19th December 2019, inasmuch as, the statement of the Appellant No.1 dated 2nd September 2015 was taken immediately after the death of the deceased and the affidavit was merely an afterthought which was in line with what was prayed for in the Original Application. He also submitted that admittedly there was no eyewitness of the travel of the deceased or to the untoward incident and therefore, the inquest panchanama has no evidentiary value as there is no contemporaneous documentary material forming part of the record. He further submitted that even the Government Railway Police (GRP) report and the S.M. memo show that the deceased had fallen down from the train and the inquest panchanama without any evidence has stated that the deceased had fallen down. He further submitted that the nature of injuries of the deceased referred in the panchanama are of such nature that they could not have been sustained by a fall from the train. He submitted that once the recovery of all articles is found from the body of the deceased, then it was not for the Respondent-Railways to establish as to why return journey ticket from Belapur to CSMT was not recovered. He sought to distinguish the decision in the

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

case of **Rina Devi** (supra) on the ground that the said decision categorically stated that each case had to be dealt on its own merits and on the facts available in the case. He submitted that the DRM report was very categorical on placing on record that the deceased was travelling and standing near the door which was a restricted area and that was impermissible and hence on account of negligence on the part of the deceased, the deceased had sustained injuries. In view thereof, learned counsel for Respondent-Railways has submitted that the Respondent-Railways were not responsible to pay the compensation and hence the impugned judgment and order ought to be upheld.

11. Learned counsel for the Respondent-Railways also sought to place reliance on the decisions in the case of **Meenadevi Jaiprakash Gupta & Ors. Vs. Union of India**[2], **Shri. Sapdu Arjun Dhiuvare & Anr. Vs. Union of India**[3] and **Bikash Choudhury Vs. Union of India, represented by the General Manager**[4] in support of the submissions made by him.

ANALYSIS AND FINDINGS

12. I have heard learned counsel for the parties. At the outset the issues which need to be decided in the present case are threefold: -

(I) Whether the Appellants are eligible for the compensation?

(II) Whether the case of the death of the deceased was on account of his own negligence?

---

2 Judgment dated 8th June 2022 in First Appeal No. 290 of 2021

3 Judgment dated 9th April 2025 in First Appeal No. 1407 of 2022

4 2024 SCC OnLine Gau 1725

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

(III) Whether the deceased was a bona fide passenger though journey ticket in respect of only one leg of travel from Kurla to Belapur was found on the body of the deceased and the ticket for the other leg of travel i.e. from Belapur to CSMT was not found on the body of the deceased?

13. To decide the aforesaid issues, the Tribunal on examination of documents and evidence has come to an erroneous conclusion that the deceased was not a bona fide passenger only on the basis of deceased not having a ticket at the time of his death and thereby holding that the deceased was not a bona fide passenger. The contradictions in the findings of the Tribunal are clear on perusal of the impugned judgment and order itself wherein the Tribunal on the basis of police report, inquest panchanama and DRM report, has come to the conclusion that it has been proved beyond doubt that the deceased had fallen down from an unknown train between Kurla and Chunabhatti railway station at K.M.No.14/10 and succumbed to his injuries on 1st September 2015 in an untoward incident. However, only on account of one-way ticket not being found on the body of the deceased, had held that the deceased was not a bona fide passenger for the compensation as prayed for. This contradiction, to my mind, goes to the very root of the matter considering that on one hand the Tribunal has accepted that the deceased did die on account of an untoward incident of falling from the train, but held him to be "not a bona fide passenger" as the Railway ticket for one way journey was not found on his body. In fact, the Tribunal records on perusal of inquest panchanama, that the GRP mentioned recovery of one way ticket bearing No.AB-08429563 dated 1st September 2015 from Kurla to Belapur railway station,

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

and no railway ticket from Belapur to CSMT railway station was found on the body of the deceased, and hence the deceased is not a bona fide passenger is a finding which to my mind, deserves to be interfered with. The aforesaid finding of the Tribunal is in the teeth of the decision in **Rina Devi** (supra), wherein it has been categorically held that even in the cases where there is absence of a railway ticket, the same will not negate the claim of a bona fide passenger. The aforesaid decision also goes to hold that initial burden will be on the claimants which can be discharged by filing an affidavit of the relevant facts and the burden will then shift on the Respondent-Railways and the issue could be decided on the facts shown or attending circumstances. The relevant paragraphs of **Rina Devi** (supra) are reproduced below :

> "Re: **(iii) Burden of proof when body found on railway premises - Definition of passenger**
> 26. Conflict of decisions has been pointed out on the subject. As noticed from the statutory provision, compensation is payable for death or injury of a "passenger". In Raj Kumaril3 referring to the scheme of the Railways Act, 1890, it was observed that since travelling without ticket was punishable, the burden was on the Railway Administration to prove that passenger was not a bona fide passenger. The Railway Administration has special knowledge whether ticket was issued or not. The 1989 Act also has similar provisions being Sections 55 and 137. This view has led to an inference that any person dead or injured found on the railway premises has to be presumed to be a bona fide passenger so as to maintain a claim for compensation. However, the Delhi High Court in Gurcharan Singh25 held that initial onus to prove death or injury to a bona fide passenger is always on the claimant. However, such onus can shift on the Railways if an affidavit of relevant facts is filed by the claimant. A negative onus cannot be placed on the Railways. Onus to prove that the deceased or injured was a bona fide passenger can be discharged even in absence of a ticket if relevant facts are shown that ticket was purchased but it was lost. The Delhi High Court observed as follows : (Gurcharan Singh case?, SCC OnLine Del para 4)
>
> > "4. ... (ii) In my opinion, the contention of the learned counsel for the appellant claimants is totally misconceived. The initial onus in my opinion always lies with the appellant claimants to show that there is a death due to untoward incident of a bona fide passenger. Of course, by filing of the affidavit and depending on the facts of a particular case that initial onus can be a light onus which can shift on the Railways, however, it is not the law that even the initial onus of proof which has to be discharged is always on the Railways and not on the claimants. I cannot agree to this proposition of law that the Railways have the onus to prove that a deceased was not a bona fide passenger because no such negative onus is placed upon the Railways either under the Railways Act or the Railway Claims Tribunal

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

Act and the Rules or as per any judgment of the Supreme Court. No doubt, in the facts of the particular case, onus can be easily discharged such as in a case where the deceased may have died at a place where he could not have otherwise been unless he was travelling in the train and in such circumstances depending on the facts of a particular case it may not be necessary to prove the factum of the deceased having a ticket because ticket as per the type of incident of death can easily be lost in an accident. I at this stage take note of a judgment of a learned Single Judge of this Court in Pyar Singh v. Union of India& which holds that it is the claimant upon whom the initial onus lies to prove his case. I agree to this view and I am bound by this judgment and not by the ratio of the case of Leelamma."

27. In Jetty Naga Lakshmi Parvathi26 the same view was taken by a Single Judge of Andhra Pradesh after referring to the provisions of the Evidence Act as follows : (SCC OnLine AP para 24)

"24. So, from Section 101 of the Evidence Act, 1872, it is clear that the applicants, having come to the court asserting some facts, must prove that the death of the deceased had taken place in an untoward incident and that the death occurred while the deceased was travelling in a train carrying passengers as a passenger with valid ticket. Therefore, having asserted that the deceased died in an untoward incident and he was having a valid ticket at the time of his death, the initial burden lies on the applicants to establish the same. The initial burden of the applicants never shifts unless the respondent admits the assertions made by the applicants. Such evidence is lacking in this case. Except the oral assertion of AW 1, no evidence is forthcoming on behalf of the applicants. The court may presume that the evidence which could be, and is not produced, would, if produced, be unfavourable to the person who withholds it. The best evidence rule, which governs the production of evidence in courts, requires that the best evidence of which the case in its nature is susceptible should always be produced. Section 114(g) of the Evidence Act, 1872 enables the court to draw an adverse presumption against a person who can make available to the court, but obstructs the availability of such an evidence. The Claims Tribunal, upon considering the material on record, rightly dismissed the claim of the applicants and there are no grounds in this appeal to interfere with the order of the Tribunal."

28. In Kamrunnissa, from the circumstances appearing in that case it was held that there was no evidence that the deceased had purchased the ticket. In the given fact situation of that case, this Court inferred that it was not a case of "untoward incident" but a case of run over. It was observed:

"7. The aforestated report also reveals, that the body of the deceased had been cut into two pieces, and was lying next to the railway track. The report further indicates, that the intestine of th deceased had come out of the body. The above factual position reveals that the body was cut into two pieces from the stomach. This can be inferred from the facts expressed in the inquest report, that the intestines of the deceased had come out of the body. It is not possible for us to accept that such an accident could have taken place while boarding a train.

3. In addition to the factual position emerging out of a perusal of Paras VII and VIII extracted hereinabove, the report also reveals that besides a pocket diary having been found from the person o the deceased a few telephone numbers were also found, but importantly, the deceased was not in possession of any other article. This further clears the position adopted by the railway authorities, namely, that the deceased Gafoor Sab, was not in possession of a ticket, for boarding the train at the Devangere Railway Station."

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

> 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.
>
> Re: (iv) Rate of interest
>
> 30. As already observed, though this Court in Thazhathe Purayil Sarabi held that rate of interest has to be @ 6% from the date of application till the date of the award and 9% thereafter and 9% rate o interest was awarded from the date of application in Mohamadi20, rate of interest has to be reasonable rate on a par with accident claim cases. We are of the view that in absence of any specific statutory provision, interest can be awarded from the date of accident itself when the liability of the Railways arises up to the date of payment, without any difference in the stages. Legal position in this regard is on a par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner."
>
> (emphasis supplied)

14. I am further of the view that in the facts of the present case, the aforesaid burden was discharged by the Appellants by filing an affidavit showing the presence of valid ticket for one way travel from Kurla to Belapur and further even in the cross-examination of Appellant No.1, he has submitted that it was incorrect to suggest that the deceased did not have valid ticket for his travel on that day.

15. I am further of the view that the Respondent-Railways have not brought on record anything except the DRM report to prove that the deceased was standing at the door which was impermissible and it was on account of that, that the deceased had fallen down from the train due to which death of the deceased had occurred. Besides the aforesaid DRM report, there were no eyewitnesses which were brought on record to suggest that the deceased was in fact standing at the door of the running train which was impermissible and his death was caused primarily due to his negligence. I am, therefore, inclined to reject the submission

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

made by learned counsel for the Respondent-Railways that the death of the deceased was on account of his own negligence and that the deceased was travelling at the door which was impermissible. I am further of the view that the inquest panchanama refers to recovery of railway ticket bearing No.AB-08429563, dated 1st September 2015 from Kurla to Belapur, and though there was no ticket for the journey between Belapur to CSMT, which has been admitted by the Appellants, in view of the clear decision in **Rina Devi** (supra), the same could not be made a ground to hold that the deceased was not a bona fide passenger and consequently deny the compensation.

16. I am further of the view that the Respondent-Railways have not brought on record or made out a case that, the Appellants fall within the exceptions of Section 124(A) of The Railways Act, 1989 (hereinafter referred to as the "**Railways Act**"), and therefore the compensation needs to be denied to them. I am, therefore, of the view that reliance by learned counsel for the Appellants on the case of **Rina Devi** (supra), **Lata vs. Union of India**[5] and the decision of this Court in **Moulali N Hubballi & Anr vs. Union of India**[6] are apposite to the facts of the present case. Insofar as reliance by learned counsel for the Respondent-Railways on **Meenadevi Jaiprakash Gupta** (supra), **Shri. Sapdu Arjun Dhiuvare** (supra) and **Bikash Choudhury** (supra), the same would not be apposite to the case, inasmuch as, they have been rendered in different fact pattern, which is discussed as follows:

(i) The reliance placed by learned counsel appearing on behalf of the

---

5 2026 SCC OnLine SC 1350

6 2026 SCC OnLine Bom 7100

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

Respondent-Railways on the decision in **Meenadevi Jaiprakash Gupta** (supra) is misplaced and distinguishable on facts. In the said case, the Tribunal held that the incident did not constitute an untoward incident. Further, no railway ticket was found on the person of the deceased therein. The nature of the injuries was also examined by the Tribunal, which led to the conclusion that the deceased therein had sustained the injuries upon being knocked down by a moving train. On the contrary, in the present case, the Tribunal itself held that the incident was an untoward incident. Moreover, a valid single-journey (one-way) ticket was recovered from the deceased. The nature of the injuries was not examined in the manner undertaken in **Meenadevi Jaiprakash Gupta** (supra). Further, the mandatory procedure of Jamatalashi report as contemplated under the Rules of 2003 was not followed. Additionally, the DRM report was submitted after an inordinate delay of four years. In view of these material factual distinctions, the decision in **Meenadevi Jaiprakash Gupta** (supra) is clearly distinguishable and cannot be relied upon to determine the present case.

(ii) Further, the reliance placed by learned counsel on behalf of the Respondent-Railways on the decision in **Shri Sapdu Arjun Dhiuvare** (supra) is not apposite to facts of the present case, inasmuch as the said decision is distinguishable on material facts. In **Shri Sapdu Arjun Dhiuvare** (supra), the Tribunal had returned a finding that no untoward incident had occurred. The Railways had also adduced evidence before the Tribunal. Further, the testimony of AW-1 and AW-2 was found to be unreliable on account of material inconsistencies in their respective statements. It was also noticed that the name of the witness subsequently examined

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

as AW-2 did not find mention in the claim application and came to be known only after a lapse of eight to nine years from the date of the incident. However, in the facts of the present case, no evidence was adduced by the Respondent-Railways to substantiate its case. On the contrary, the Tribunal itself returned a finding that the incident constituted an untoward incident. Further, a single-journey ticket was recovered from the deceased, and the burden resting upon the Appellants was discharged by placing an affidavit on record.

(iii) Learned counsel on behalf of Respondent-Railway also has placed his reliance on the case of **Bikash Choudhury** (supra) which is not apposite to the facts of the present case, inasmuch as, in the said case the inquest panchanama was never prepared and also the claim of the Appellant therein was that the deceased had fallen from the train and had been run over by the same train, which was an explanation found not reasonable by the Tribunal and upheld by the Court. However, in the facts of the present case the inquest panchanama was very much on record and the Tribunal itself had held that the deceased died on account of fall from the train and that was an untoward incident as defined in the Railways Act. The case of **Bikash Choudhary** (supra) is therefore distinguishable on the facts of the present case.

17. I am also of the view that none of the above decisions help the Respondent Railways to advance their case further. Considering the aforesaid overall facts and considering the settled position of law, the impugned judgment and order of the Tribunal is required to be set aside, and the First Appeal deserves to be allowed. Considering the evidence led in the present proceedings and the law

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

laid down by the Supreme Court and various High Courts, interference is required in the impugned judgment and order. The points for determination are answered accordingly.

18. It is an undisputed fact that the Appellants are father and mother of the deceased and hence are dependents under Section 123(b) of the Railways Act. Further, it is well settled that the Railways Act is a beneficial piece of legislation and hence it should receive a liberal interpretation and whenever there are two views possible, a construction in favour of the beneficiary of the legislation should be preferred and the real intent of the legislation ought to be sought. Considering the aforesaid beneficial nature of the legislation, also to my mind, the Tribunal has taken a narrow and erroneous interpretation of the provisions of the Railways Act and deprived the family members of the deceased from the beneficial legislation.

19. Insofar as the contention of the learned counsel on behalf of the Appellant, that considering the amendment effected in the Rules by the Amendment Rules of 2016, the amount of compensation to be payable on death of the passenger which has been enhanced from Rs. 4,00,000/- to Rs.8,00,000/- is concerned, the ratio as laid down in **Rina Devi** (supra) would be applicable to the facts of the present case, and in view thereof, considering that the accident had taken place on 1st September 2015 and the impugned judgment and order was passed on 5th March 2020, which was after the amendment to the Rules, applying the principles laid down in paragraph 30 of **Rina Devi** (supra), the compensation payable would be Rs.8,00,000/-. However, considering the interest from the date

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

of accident till today, on Rs. 4,00,000/- at the rate of 9%, it would be Rs.8,00,438.36/-.

20. The Supreme Court in the judgment of **Rina Devi** (supra) in paragraph No. 30 has held that, interest will be payable from the date of the accident. Having regard to the legal position, which is held to be on par with claims under the Motor Vehicles Act, 1988, interest @9% p.a. (i.e. Rs.36,000/- p.a. or Rs.3,000/- per month) appears to be just and reasonable. It is well settled that Section 124A of the Railways Act is a beneficial piece of legislation. The Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 (Rules of 1990) are framed in exercise of the powers conferred by the Railways Act.

21. Taking into account the date of the impugned judgment and order i.e. 5th March 2020, which is subsequent to the amendment to the said Rules of 1990 in the year 2016 (whereby the compensation payable for death has been revised to Rs.8,00,000/-), paragraph 30 of **Rina Devi** (supra) would apply. Accordingly, a comparison between the two amounts is required to be made, and the higher of the two amounts is liable to be awarded, this being under a beneficial piece of legislation. The date of the incident is 1st September 2015 and the amount as compensation as claimed on that date was Rs.4,00,000/-. The impugned judgment and order was passed by the Tribunal on 5th March 2020. By that time, the compensation payable pursuant to the amended Rules of 2016 was enhanced to Rs.8,00,000/-. However, considering the interest from the date of accident till today on Rs.4,00,000/-, @ 9% would be Rs.4,00,438.36/-. The total amount as of today would be Rs.8,00,438.36/-. As per the ratio of the Judgment of **Rina Devi**

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38

(supra), the higher of the two amounts is Rs.8,00,438.36/-. Therefore, the following orders:-

ORDER

(i) First appeal is allowed and impugned judgment and order dated 5th March 2020 is hereby quashed and set aside.

(ii) Claim of the Appellant stands allowed of an amount of **Rs.8,00,438.36/-** and as the Appellants are the father and mother of the deceased i.e. the dependents the said amount be equally distributed between them.

(iii) The said amount of **Rs.8,00,438.36/-** be deposited by the Railways in the bank account of the Appellants within a period of **eight weeks** from the date the Appellant furnishes the bank details to the Chief Claim Officer, Central Railway.

(iv) If the said amount is not deposited in their bank accounts within a stipulated period. It will carry further interest at rate of 9% per annum till the time of payment.

(v) First Appeal stands disposed of accordingly. Interim application(s) if any, also stands disposed of.

(AARTI SATHE, J.)

M.S.Thatte

Uploaded on - 16/10/2026 Downloaded on - 17/10/2026 10:38:38