



CNR: KAHC010332302019

NC: 2026:KHC:40279
MFA No. 1571 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 31ST DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR
MISCELLANEOUS FIRST APPEAL NO. 1571 OF 2019 (RCT-)

BETWEEN:

1. IRAMMA @ ERAMMA
W/O MALLIKARJUNA
AGED ABOUT 50 YEARS
OCCUPATION:HOUSEWIFE
2. MALLIKARJUNA
S/O VANNAPPA,
AGED ABOUT 55 YEARS
OCCUPATION:BUSINESS,
3. VIJAYALAKSHMI
D/O MALLIKARJUNA,
AGED ABOUT 22 YEARS
OCCUPATION: ROADSIDE HAWKERS,
ALL ARE R/AT BALAJI RAO ROAD
2ND CROSS, VADDARABANDA BANDE
BELLARY
KARNATAKA STATE - 583 101

... APPELLANTS

(BY SMT.A.MANJULA., FOR SRI. D KUMAR RAJU.,ADVOCATES)

AND:

THE UNION OF INDIA
REP. BY ITS GENERAL MANAGER,
SOUTH WESTERN RAILWAY,
HUBLI-580 020.

... RESPONDENT

(BY SRI. TANMAY MEHTA .,ADVOCATE)

THIS MFA IS FILED U/S.23(1) OF THE RAILWAY CLAIMS
TRIBUNAL ACT, AGAINST THE JUDGMENT & ORDER
DT.26.09.2018 PASSED IN CLAIM APPLICATION NO.OA II U

Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



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NO.75/2015 ON THE FILE OF THE RAILWAY CLAIMS TRIBUNAL,
BENGALURU BENCH, DISMISSING THE CLAIM APPLICATION.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

I have heard learned counsel - Smt. A. Manjula for
Sri D. Kumar Raju for appellants as well as learned
counsel - Sri Tanmay Mehta for the respondent.

2. This appeal is preferred by the applicants, who are
the parents of deceased Sri Nagendra seeking to set aside
the judgment passed by the Railway Claims Tribunal in
Claim Application No.O.A. II U 075/2015 dated
26.09.2018, whereby the Claims Tribunal dismissed the
claim application. The appellants consequently seek to
award compensation of Rs.8,00,000/- on account of death
of their son, who was a *bonafide* passenger and died in a
railway untoward incident.



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3. Parties shall be referred to as per their ranking before the Railway Claims Tribunal for the sake of brevity.

(i) Facts of the case

4. The brief facts leading to filing of this appeal are as under:

4.1 It is the case of the applicants that on 6.6.2014, their son - Nagendra had boarded the Hampi Express train with a valid journey ticket for travelling from Hospet to Ballari and during the course of his journey, he accidentally fell down from the moving train at Ballari railway station at Road No. 2, RKM No.207/7, as a result, he sustained grievous injuries and ultimately succumbed to the said injuries on the spot.

4.2 The applicants, who are the parents, filed an application before the Claims Tribunal seeking compensation on account of death of their beloved son,



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who was a *bonafide* passenger and died in a railway untoward incident.

4.3 Upon such application being filed, the respondent - Railways filed the written statement disputing the claim and denying their liability to pay compensation and taking a plea that no cause of action arose for filing such an application and that the deceased would not come within the ambit of Section 123(c)(2) or Section 124A of the Railways Act. However, it was stated that a message dated 07.06.2014 was sent by the Station Master, Ballari to Government Railway Police (GRP) informing that one male person, aged about 28 to 30 years was run over by train on Road No.2, Platform No.3 at Ballari railway station platform end. It was pleaded that the deceased was not a bona fide passenger of any train on 06.06.2014. It was also pleaded that there was no journey ticket recovered from the body of the deceased during the inquest and



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therefore he would not come within the ambit of bonafide passenger and sought for dismissal of the claim petition.

4.4 On the basis of the rival pleadings, the Claims Tribunal formulated following issues for consideration:

1. Whether the deceased was a *bonafide* passenger ?
2. Whether there was any untoward incident wherein victim dead ?
3. Whether the applicants are dependents of the deceased ?
4. Whether the applicants are entitled for any compensation and interest as prayed for in the application ?

4.5 After hearing the learned counsels for both parties and consideration of evidence recorded, the claims tribunal came to a conclusion that the applicants did not make out a valid case to show that the deceased was a *bonafide* passenger and that he died in the course of the railway journey amounting to an untoward incident and accordingly dismissed the claim petition holding that the



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applicants are not entitled for any compensation. It is this order that is questioned by the applicants before this Court in this appeal.

(ii) Contentions of learned counsel for appellants

5. It is the vehement contention of learned counsel appearing for the appellants that the impugned order passed by the Tribunal is perverse, illegal and arbitrary and the same is liable to be set aside. It is also contended by learned counsel that there is no dispute with regard to the fact that the deceased Nagendra was found having injured and dead in the railway platform as per the DRM's report and also as per the message given by the Station Master, Ballari to Government Railway Police (GRP). Therefore, the fact that the deceased was found in the railway track or railway platform during the course of the railway journey, is not disputed. It is also contended by learned counsel that the applicant No.1, who is mother of the deceased has filed an affidavit by way of her sworn



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statement stating that on 6.6.2014, her son, the deceased Nagendra was travelling as a bonafide passenger from Hospet to Balalri in Hampi express train and he accidentally fell down from train near Ballari railway station at Road No.2, Platform No.3, as a result, he sustained grievous injuries and died on the spot and death is due to railway untoward incident.

5.1 It is further contended by learned counsel that the post-mortem report and the other enquiries conducted reveal that the death was due to a railway untoward incident. Learned counsel contends that she has filed an affidavit of the applicant no. 1, the mother, by stating all these facts of the travel of her deceased son - Nagendra, from Hospet to Ballari. The mother of the deceased, AW1 has been cross examined by the respondent railway authorities. But, there is no eliciting of any answer with regard to non-travel of the deceased from Hospet to Ballari on the said date of the incident i.e. 06.06.2014.



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Nothing has been elicited in the cross-examination of AW-1 to disprove the case of the deceased having travelled from Hospet to Balari. Learned counsel for the appellants contends that the requirement of law is to produce a valid journey ticket, but merely for non-production of a ticket, the claim of the applicants cannot be denied as held by the Hon'ble Supreme Court in the case of ***Union of India -vs- Rina Devi*** reported in (2019)3 SCC 572.

5.2. In support of her contentions, learned counsel for appellants also relies upon the judgment in the case of ***Rajni and another -vs- Union of India and another*** in Civil Appeal No.12538 of 2025 dated 8th October 2025.

5.3. On these grounds, learned counsel for appellants seeks to set aside the impugned judgment passed by the Tribunal and to award compensation.

6. Per contra learned counsel - Sri Tanmay Mehta appearing on behalf of the respondent/Railways vehemently contends that there is no illegality, perversity



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or arbitrariness in the judgment passed by the claims tribunal. He contends that the primary obligation, duty and the onus is upon the applicants to show and produce cogent evidence to satisfy the Court that the deceased was a *bonafide* passenger and died while travelling in the train, which would amount to an untoward incident falling within the ambit of Section 123(c)(2) and Section 124A of the Railways Act, 1989. It is vehemently contended by learned counsel that the applicants have been unable to produce any piece of evidence to show that the deceased was a *bona fide* passenger and had purchased a valid journey ticket. It is also contended that no journey ticket was recovered from the body of the deceased during the inquest or for that matter, the applicants have not produced any valid journey ticket through AW.1 or any other person. Therefore, there being no journey ticket on the person of the deceased or applicants having not produced the same, it cannot be said that the deceased



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was a bona fide passenger and died in the untoward incident.

6.1 Learned counsel for the respondent also contends that the case made out by the applicants is that one of the friend of deceased had purchased the ticket from Hospet to Ballari and the deceased boarded the train to travel back to Ballari. Therefore, the best piece of evidence available for the applicants was the friend, who could have been examined as a witness, the same having not been done, no case made out by the applicants for grant of compensation, as the deceased would not come within the ambit of being a bonafide passenger or the incident being an untoward incident. It is also contended by learned counsel that even in the evidence adduced by the applicants, they have not clearly stated as to at what time of the day, ticket was purchased.



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6.2 On these grounds, learned counsel seeks to dismiss the appeal, as there is no perversity and illegality in the judgment rendered by the claims tribunal.

6.3 Learned counsel for the respondents relies upon the following judgment in support of his case.

- i) Union of India vs Rina Devi - (2019) 3 SCC 572.
- ii) Gurucharan Singh & Ors vs. Union of India in (2014) SCC Online Del 101: 2015 ACJ 171.
- iii) Jetty Naga Lakshmi Parvathi & Others vs. Union of India in (2011) SCC Online AP 828

7. I have given my thoughtful consideration to the arguments advanced by learned counsel for the appellants as well as learned counsel for respondent.

(iv) Points for consideration

8. The points that would arise for consideration before this Court in the present appeal are;

- i) Whether the impugned order calls for interference ?



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- ii) Whether the appellants have made out a case to show that they are entitled for compensation?
- iii) What order ?

(v) Consideration

9. Apparently, it is not in dispute with regard to the relationship of the applicants with the deceased Nagendra, who is their son. It is also not in dispute that the body of Nagendra was recovered from the railway track, upon the message dated 7.6.2014 sent by the Station Master, Ballari to the Government Railway Police (GRP), informing that one male person aged 28 to 30 years run over by train on Road No. 2, Platform No. 3 at Bellary railway station platform end. Therefore, the deceased having been run over by train is not in dispute.

10. The next question that falls for consideration is whether the deceased was a bona fide passenger and the incident of having been run over would amount to an untoward incident. This aspect of the matter has been



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dealt with by several Judgments, the notable one being the case of ***Rina Devi*** and also the case of ***Rajini*** stated supra.

11. The primary requirement of establishing the fact of the deceased being a bona fide passenger would be on the applicants. It is not necessary in all cases for the deceased to carry the ticket in his pocket and for the railway authorities to recover the ticket from the body of the person, who dies in a railway accident. It is also permissible for the other family members, friend or anybody else who has travelled along with the deceased to produce any such ticket of the deceased at a later point of time during the course of the evidence before the claims tribunal. It is also not mandatory that in all cases, the railway ticket has to be produced. In cases where it is available, it could be produced by the applicants. But what is required to be established by the applicants is that the applicants will have to file an affidavit of a sworn



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statement to establish and prove to the satisfaction of the Court that the deceased had in fact travelled in the railway train on the relevant day and during course of such travel, fell down, sustained injury and succumbed to the injuries amounting to an untoward incident without falling under the category of the exceptions provided under Section 124A, which is a self-inflicted injury or a negligence caused by the deceased himself. In the present case on hand, it is not the case of the railway authorities that it was a self-inflicted injury, but it is contended that there was a negligence on the part of the deceased, having boarded the train while it was on the move. Nevertheless these aspects have not been established or proved by the railway authorities in the cross examination or by way of their own evidence to counter the claim of the applicants.

12. Once the applicant files an affidavit stating the facts of the case and satisfying the Court that the deceased had travelled in the train, the onus shifts upon



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the railway authorities to disprove the case of the applicants by leading cogent evidence either by themselves or through cross-examination. In the evidence adduced by AW.1 (mother of the deceased), she has narrated the sequence of events and in her cross-examination, nothing useful has been elicited by the railway authorities to disprove the case of the applicants and on the question posed by the Railways to the AW-1 in the cross-examination, the answer given is, *"it is not true to say that my deceased son was not hit by the train. I deny the suggestion that I have filed a false case to claim compensation"*.

13. It is also relevant to see that the applicant No.1 is a lady aged about 52 years and she is a rustic villager and illiterate lady. The fact that the applicant No.1, who is the mother of the deceased Nagendra has come before the Court and filed the affidavit by way of affixing her LTM itself proves the fact that she is a rustic villager and



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illiterate lady. Hence, her statement would have to be accepted to be truthful unless the respondent/Railways are able to make out a case by eliciting certain information in the cross-examination which is useful to the railway authorities, which in the present case has not been done. Therefore, the judgment in the case of ***Rina Devi (supra)*** will be helpful to the applicants.

14. It would be relevant to extract Section 123(c)(2) and section 124A of the Railways Act, 1989, which read as under:

123(c) "untoward incident" means-

(1) xxx xxx

(2) the accidental falling of any passenger from a train carrying passengers.

124A. Compensation on account of untoward incident. -

When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the



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damages in respect thereof, the railway administration shall, notwithstanding dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to-

- (a) suicide or attempted suicide by him;
- (b) self-inflicted injury;
- (c) his own criminal act;
- (d) any act committed by him in a state of intoxication or insanity;
- (e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation. For the purposes of this section, "passenger" includes

- (i) a railway servant on duty; and
- (ii) a person who has purchased a valid ticket for traveling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.



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15. It is also relevant to mention that in the death cases in the railway accidents, it is not necessary for the applicants to establish a strict liability theory, as it is only a preponderance of probabilities which will have to be done and so also, it will not fall within the category of proof beyond reasonable doubt as is decided in a criminal trial. The Hon'ble Apex Court has dealt with these aspects in the case of ***Rina Devi (supra)***, wherein it is held at paragraphs 15, 20, 21, 25, 26 and 29 as under:

15. We now proceed to deal with the following issues seriatim:

15.1.(i) Whether the quantum of compensation should be as per the prescribed rate of compensation as on the date of application/incident or on the date of order awarding compensation;

15.2.(ii) Whether principle of strict liability applies;

15.3.(iii) Whether presence of a body near the railway track is enough to maintain a claim;

15.4.(iv) Rate of interest.

Re: ii) Application of principle of strict liability —
Concept of self-inflicted injury



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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 124-A 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 124-A. In *Prabhakaran Vijaya Kumar [Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813]* it was held that Section 124-A 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 [Jameela v. Union of India, (2010) 12 SCC 443 : (2010) 4 SCC (Civ) 644]*.

21. Coming to the proviso to Section 124-A 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 on a par with self-inflicted injury. We may refer to the decisions of the High Courts of Kerala in *Joseph P.T. [Joseph P.T. v. Union of India, 2013 SCC OnLine Ker 24151 : AIR 2014 Ker 12]*, Bombay in *Pushpa [Pushpa v. Union of India, 2017 SCC OnLine Bom 8117 : (2017) 3 ACC 799]* and Delhi in *Shyam Narayan [Shyam Narayan v.*



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Union of India, 2017 SCC OnLine Del 8734 : 2018 ACJ 702] 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 the judgment of this Court in United India Insurance Co. Ltd. v. Sunil Kumar [United India Insurance Co. Ltd. v. Sunil Kumar, (2019) 12 SCC 398 : 2017 SCC OnLine SC 1443 : (2017) 13 Scale 652] laying down that plea of negligence of the victim cannot be allowed in claim based on "no fault theory" under Section 163-A 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 124-A merely on the plea of negligence of the victim as a contributing factor.

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 Kumari [Raj Kumari v. Union of India, 1992 SCC OnLine MP 96 : 1993 ACJ 846] 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



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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 Singh* [*Gurcharan Singh v. Union of India*, 2014 SCC OnLine Del 101 : 2015 ACJ 171] 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 [*Gurcharan Singh v. Union of India*, 2014 SCC OnLine Del 101 : 2015 ACJ 171] , 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 Act and the Rules or as per any judgment of the Supreme Court. No doubt, in the



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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* [*Pyar Singh v. Union of India*, (2007) 8 AD Del 262] 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* [*Union of India v. Leelamma*, 2009 SCC OnLine Ker 903 : (2009) 1 KLT 914] .”

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.



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16. The judgment relied by the learned counsel for the respondent in the case of ***Jetty Naga Lakshmi Parvathi -vs- Union of India*** reported in 2011 SCC OnLine AP 828 has been relied by the Hon'ble Apex Court in the case of ***Rina Devi*** stated supra. At paragraph no.29 of the judgment in the case of ***Rina Devi***, the Hon'ble Apex Court has held that the initial burden will be on the claimant, which can be discharged by filing an affidavit of the relevant facts and the burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.

17. In the present case on hand, no doubt the applicants have not produced the ticket as the mother of the deceased - Nagendra admittedly says that she had not purchased the ticket and it was one of the friend of the deceased, who had purchased the ticket and the deceased boarded the train at Hospet and the same will have to be accepted on the face value. Nevertheless, in these kind of



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accident cases of Railways, it is to be ascertained from the facts and circumstances of each case to come to a decision. The compensation is paid to the appellants towards the untoward incident of death under the provisions of the Railways Act, 1989 and the same being a *bona-fide* welfare legislation, the Court will have to take the beneficial legislation into consideration and show leniency by awarding compensation once there is no denial of the body having been found on the railway track. Under the circumstances, I agree with the contentions put forth by learned counsel for the appellants.

18. In view of the above, the judgment rendered by the Claims Tribunal calls for interference and the appellants would be entitled to compensation for the death having occurred due to untoward incident and the deceased being a *bona fide* passenger of the Hampi Express train from Hospet to Bellary and the body having



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been found in the railway platform at the Ballari railway station.

19. Accordingly, I and pass the following:

ORDER

- i) This appeal is **allowed**.
- ii) The impugned judgment passed by the Railway Claims Tribunal in Claim Application No.OA II U 075 OF 2015 dated 26.09.2018 is hereby set aside.
- iii) The appellants would be entitled to compensation of Rs.8,00,000/- (Rupees eight lacs only) alongwith interest at 6% per annum from the date of accident till the date of order/award.
- iv) The compensation amount shall be paid within a period of 30 days from the date of receipt of copy of this order. If the compensation amount is not paid or deposited, the interest component for the delayed payment shall be 9% per annum from the date of order/award till date of realisation.
- v) The compensation shall be apportioned equally to appellant No.2/father and the appellant No.3, the



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minor sister of the appellant No.1 since appellant No.1 is reported to have died on 27.11.2019.

- vi) The entire compensation amount shall be deposited before the Claims Tribunal.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

GSS
List No.: 1 Sl No.: 37