



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3416 OF 2010 (RCT)

BETWEEN:

THE UNION OF INDIA
REPRESENTED BY ITS
GENERAL MANAGER
SOUTH WESTERN RAILWAY
HUBLI.

...APPELLANT

(BY SRI POOJAPPA J., ADVOCATE)

AND:

SRI CHANNARAYAPPA
SON OF EARANNA
AGED 48 YEARS
RESIDENT OF HOTTE
BOMMEMENAHALLI VILLAGE
PAVAGADA TALUK
TUMKUR DISTRICT.

...RESPONDENT

(BY SRI MANJUNATHA PATTANASHETTY, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 23(1) OF THE RAILWAY CLAIMS TRIBUNAL ACT PRAYING TO SET ASIDE THE JUDGEMENT DATED 20.01.2010 PASSED IN O.A.NO.51/2007 ON THE FILE OF THE RAILWAY CLAIMS TRIBUNAL, BANGALORE BENCH, BANGALORE AND CONSEQUENTIALLY REJECT THE CLAIM APPLICATION FOR COMPENSATION MADE BY THE RESPONDENT-CLAIMANT.

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



CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

The present appeal is preferred by the appellant, who was respondent before the tribunal, challenging the judgment dated 20.01.2010 passed in O.A.No.51/2007 by the Railway Claims Tribunal, Bengaluru Bench, Bengaluru.

2. Parties shall be referred to as per their ranking before the tribunal.

3. Brief facts of the case are as under:

The claimant filed an application against the respondent-Railway Authority seeking compensation for the injuries sustained in an untoward incident that occurred on 12.04.2003 at Birur Railway Station while travelling as a *bona fide* passenger in train No.584 from Challakere to Belagola. It is the case of the claimant that, while he was travelling in train No.584 from Challakere to Belagola on 12.04.2003, he alighted from the train at Birur



Railway Station to quench his thirsty by drinking water. At that time, he accidentally fell down and sustained injuries.

3.1 It is the case of the claimant that the injuries were sustained on account of the uneven platform, which was at a lower level, making it difficult for passengers to alight from and board the train. Therefore, according to the claimant, the respondent–Railway Authority is responsible for the said incident. It is stated that the respondent–Railway Authority failed to maintain the platform at the proper height in relation to the train, resulting in the accident. It is submitted that, having purchased a valid ticket and travelled in the train, the claimant was a *bona fide* passenger. As a result of the said untoward incident, he sustained injuries. Hence, the claimant filed the claim petition seeking compensation.

3.2 Upon service of notice, the respondent–Railway Authority entered appearance and filed its written statement denying the allegations made in the claim



petition. It contended that the incident in question was not an untoward incident within the meaning of the Railways Act and that the claimant was not a *bona fide* passenger. On these grounds, the respondent-Railway Authority sought dismissal of the claim petition.

3.3 On the basis of the pleadings and rival contentions made by both the parties, the tribunal framed the following issues for consideration:

- "1. Was the applicant Channarayappa, a bonafide passenger travelling by Train No.584, from Challakere to Belagola?
2. Did the applicant suffer injuries due to his own negligence as stated in para 9 & 10 of reply statement or was it an 'untoward incident' in terms of Section 123(c)(2) as stated by applicants?
3. Is the applicant entitled to claim any compensation from the respondent? if so, how much?
4. Reliefs and costs?
5. What order? What costs?"



3.4 In order to substantiate the issues and to establish the case, the claimant examined himself as AW.I and examined the Doctor, namely, Dr. B.S. Satyendra Rao, as AW.II. He also got marked 10 documents as Exs.A1 to A10. On the other hand, the respondent–Railway Authority examined Sri Puttaswamy, Station Master, Adihalli, as RW.1 and got marked the Divisional Railway Manager's (DRM) Report as Ex.R1.

3.5 On the basis of the oral and documentary evidence placed on record, the tribunal, upon a careful appreciation of the entire material available on record, allowed the claim petition and awarded compensation of ₹90,000/- in favour of the claimant - Channarayappa. The tribunal further directed the respondent–Railway Authority to pay the said amount with interest at the rate of 6% per annum from the date of the application till the date of order and thereafter, at the rate of 9% per annum from the date of order till the date of actual payment. Aggrieved



by the said judgment and award, the respondent–Railway Authority has preferred the present appeal.

4. It is the contention of the learned counsel for appellant that the impugned judgment and award is illegal and arbitrary, inasmuch as, under Part III of the Schedule of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 (for short, 'Rules, 1990'), the injured claimant falls within Sl.No.33 of Part III of the Schedule of the Rules, 1990, which pertains to fracture of a major bone, namely, the femur or tibia of one limb.

4.1 It is further contended that prior to the amendment to the Schedule, the prescribed compensation for such an injury was ₹40,000/-. Therefore, the tribunal exceeded its jurisdiction in awarding total compensation of ₹90,000/- along with interest at the rates of 6% per annum and 9% per annum for delayed payment from the date of award.



4.2 It is further contended that the impugned judgment and award is erroneous, inasmuch as the claimant was not a *bona fide* passenger. It is further contended that he was not in possession of a valid ticket and had failed to produce any ticket to establish that he was travelling in the train. It is further contended that the claimant was travelling on the footboard of the train, which is impermissible in law and that the injuries sustained by him were self-inflicted.

4.3 It is further contended that the tribunal has erroneously concluded that the claimant was a *bona fide* passenger on the premise that every person travelling in a train is presumed to be a *bona fide* passenger. According to the learned counsel, such a presumption is not legally sustainable. It is contended that, if the injuries were the result of the claimant's own negligence or were self-inflicted, the case would not fall within the ambit of Sections 123(c) and 124A of the Railways Act, 1989 (for short, 'the Act'), disentitling him to compensation.



4.4 It is also contended that the award of interest from the date of the application is erroneous. According to the learned counsel, there was an admitted delay in filing the claim petition, which came to be condoned only in the year 2007. Therefore, it is contended that the tribunal ought to have awarded interest only from the date on which the delay was condoned and not from the date of the application. Hence, he seeks to allow this appeal.

5. *Per contra*, learned counsel for claimant vehemently contends that there is neither any illegality nor perversity in the impugned judgment and award passed by the Railway Claims Tribunal. It is submitted that the claimant has established all the necessary ingredients of his claim by adducing both oral and documentary evidence and by producing the relevant material to establish that he was a *bona fide* passenger. Therefore, he seeks dismissal of the appeal.



6. Heard learned counsel for appellant-Railway Authority and learned counsel for claimant.

7. Upon careful perusal of the impugned judgment and award, it is evident that the tribunal has placed reliance on Sl.No.33 of Part III of the Schedule to the Rules, 1990. Admittedly, the accident occurred on 12.04.2003, i.e., prior to the amendment to the Schedule. Therefore, the tribunal has rightly taken ₹40,000/- as the compensation payable for the injury sustained by the claimant. The injury was the result of an untoward incident and the claimant, being a *bona fide* passenger, is entitled to claim compensation, as the incident squarely falls within the definition of an "Untoward Incident" under Sections 123(c) and 124A of the Act.

8. The tribunal has also taken into consideration the evidence of AW.II and the documents marked as Exs.A9 and A10. Ex.A9-disability certificate shows that the claimant has suffered permanent disability to the extent of



35% of the left lower limb, which is duly corroborated by Ex.A10. The said disability is attributable to the injuries sustained by the claimant in the untoward incident. Therefore, the *onus* has been established and proved by the claimant before the tribunal. Thereafter, the *onus* shifted to the appellant - Railway Authority to adduce cogent contra evidence to disprove the claim or establish that the claimant was not entitled to compensation under the provisions of the Act and the Rules. No such evidence has been placed on record.

9. In such circumstances, the tribunal has rightly awarded a sum of ₹40,000/- towards the fracture of tibia upper 1/3rd with lacerated wound over back of leg extending from back of knee to ankle, as prescribed under the Part III of the Schedule of the Rules, 1990 and a further sum of ₹50,000/- towards the unscheduled injuries sustained by the claimant, thereby awarding a total compensation of ₹90,000/-. The tribunal has also directed to pay the amount with interest at the rate of 6% per



annum from the date of application till the date of order and 9% per annum from the date of order till the date of actual payment. Considering the materials on record, I do not find any good ground or cogent reason to interfere with the well-reasoned judgment of the tribunal.

10. A perusal of Ex.R1-DRM's report reveals that there is no dispute regarding the fact that the claimant - Channarayappa and one Siddesh were travelling in train No.584 from Challakere Town (CTA) to Haveri. It is stated in the report that there was no seating space available in the coach in which they had boarded and therefore, both of them were sitting near the doorway. It is further stated that, when the train halted at Birur Railway Station, a large number of passengers entered the compartment and both the claimant and Siddesh continued to remain seated near the doorway with their legs hanging outside without proper foot support. According to the report, after the train left Birur Railway Station, the legs of Siddesh came into contact with the Birur platform wall, resulting in the



amputation of his right leg, while the claimant - Channarayappa, sustained severe injuries to his legs. It is further stated that both of them fell from the compartment. The report attributes the incident to the negligence of the claimant and the other passenger.

11. When this is the state of affairs, there is no dispute with regard to the fact that the claimant was travelling in the said train from Challakere to Belagola. The claimant has specifically pleaded and deposed that he was a *bona fide* passenger and that he sustained injuries in an untoward incident. In support of his case, he has filed his affidavit evidence and produced documentary evidence marked as Exs.A1 to A10. Thus, the claimant has discharged the initial burden cast upon him. Thereafter, the burden shifted to the respondent-Railway Authority to disprove the claimant's case by placing cogent material on record. However, no such material has been produced by the respondent-Railway Authority in the present case. Though the respondent-Railway Authority has denied the



claim, it has merely contended that the claimant does not fall within the ambit of Sections 123(c)(2) and 124A of the Act, on the ground that the injuries were sustained due to the claimant's own fault and negligence.

12. It is not in dispute that, immediately after the incident, the claimant was shifted to the Government Hospital for treatment. It is also evident that the injuries were sustained in the course of his travel in the train and arose out of the said incident. Therefore, the claimant's case squarely falls within the ambit of Sections 123(c) and 124A of the Act.

13. I have carefully considered the submissions made by the learned counsels for parties and perused the impugned judgment and award, as well as the oral and documentary evidence available on record. On such consideration, I find that the appellant, who was respondent before the tribunal, has failed to make out any



ground warranting interference with the impugned judgment and award.

14. The claimant has consistently maintained that he sustained injuries while travelling in train No.584 from Challakere to Belagola on 12.04.2003. The wound certificate and the other documents produced and marked as exhibits clearly establish the nature of the injuries sustained by him. The oral and documentary evidence placed on record sufficiently establishes that the claimant sustained the said injuries in the course of the railway journey as a result of the untoward incident. The appellant, who was the respondent before the tribunal, has not placed any cogent material on record to effectively rebut or controvert the case set up by the claimant.

15. The claimant examined himself as AW.I. Nothing has been elicited in his cross-examination to discredit his testimony or to contradict the contents of the documents produced by him. The claimant has also examined



Dr. B.S.Satyendra Rao, an Orthopaedic Surgeon, as AW.II, who has deposed regarding the nature of the injuries sustained by the claimant. The oral evidence of AWs.I and II is duly corroborated by the documentary evidence marked as Exs.A1 to A10. The said evidence sufficiently establishes the claimant's case and entitles him to compensation. Therefore, I find no infirmity or perversity in the findings recorded by the tribunal warranting interference in the present appeal.

16. Accordingly, I pass the following:

ORDER

- i. The appeal is ***dismissed***;
- ii. Compensation amount if not deposited shall be deposited within a period of three (3) weeks from the date of receipt of a copy of this order;
- iii. The entire amount shall be released in favour of the respondent-claimant by way of



electronic transfer or through any other mode
permissible under law.

Ordered accordingly.

In view of dismissal of the appeal, pending
interlocutory application, if any, does not survive for
consideration and the same pales into insignificance.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 31