

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

F.M.A 1023 of 2023

Fulan Devi & Anr.

-Vs-

Union of India

For the Appellants/ : Mr. Saswata Bhattacharyya

For the Respondents/ : Mr. Sukumar Bhattacharyya,
Ms. Ashima Roy Chowdhury

Heard on : 04.09.2024, 03.10.2024, 09.12.2024,
13.01.2025, 24.02.2025

Judgment on : 08.05.2025

Ananya Bandyopadhyay, J.:-

1. The instant appeal was heard earlier and judgment was reserved. However, the matter was listed under the heading "For Hearing" for further clarification.
2. The Learned Advocates representing the respective parties are present.
3. An application under Section 16 of the Railway Tribunals Act, 1987 read with Section 123 (C) (2) and 124A of the Railways Act, 1989 had been filed by the applicant claiming compensation for herself and her husband as dependants for the death of their son in an untoward incident which occurred on 26.05.2018.
4. On the aforesaid date the victim Sonu Kumar was travelling from Durgapur Railway Station to Jasidih Junction R/S via Asansol Junction R/S by train

which was overcrowded. By the impact of a sudden jerk in the motion of the train the victim fell down and died on the spot. The dead body of the victim remained unattended for a considerable period of time and the same was noticed at about 14.35 hrs.

5. Subsequently, the Railway Memo was issued to the I/C/GRP/Asansol and I/C/RPF/Asansol and a U/D case being No. 33/18 dated 26.05.2018 was registered by the Asansol G.R P.S. The applicant-claimants claimed the victim to have been a bona fide passenger of the aforesaid train possessing 2nd Class valid railway ticket bearing No. UTE 26857375 and UTS No 40LYC3J201 dated 26.05.2018 and the said ticket was seized by the Asansol G.R.P.S. along with one money bag containing i) cash Rs.420/- ii) one Addhar card in the name of Sonu Kumar and iii) one identity card of Narayan Yadav Inter College in the name of Sonu Kumar and one mobile phone. Thereafter the said original ticket along with other seized documents and articles were handed over to the victim family member with proper formality.
6. The enquiry report (DRM Report) in respect of untoward incident pertaining to RCT/Kolkata Case No. MA/55/2019 reflected the brief facts and enquiry of RPF stated as follows:

Brief Facts: Post Commander/Barachak has submitted a report of Untoward Incident that on 26.05.2018 after getting information from on duty Dy.SM/Barack vide memo/no. SM/BCQ/03/05/18 dated 26.05.2018 regarding one dead body unknown male person aged about 35 years was lying in between Km. no 216/05-07 & 216/5A-2016/7A between P/L No.1 and UP/L No. 2 as reported by driver namely D.D of UDL of train no. 31621 of ICDN. Immediately officers and

staff of RPF/Post/BCQ GRPS/ASN attended at the spot when found one unknown male person aged about years lying in between Km. no 216/05-07 and 216/5A-2016/7A between P/L No.1 E UP/L No. 2 during search the dead body when one Railway journey ticket no. 268575 from Ex DGR to JSME with one Adhar card no. 640120140238 in the name of Sc Kumar was found from the possession of the deceased. After all formalities the dead body removed from the spot and sent to S.D.Hospital/Asansol for post mortem. In this reg: GRPS/ASN registered a U.D Case vide no. 33/18 dated. 26.05.18. The deceased person was identified as Sonu Kumar s/o Bramdeo Yadav of Vill-Mahamadpur, P.O- Bhagalpur Tarapur, Dist. Munger/Bihar.

Enquiry by RPF

- 1) During enquiry, E.O of the case collected station memo, Form-1, prepared Form also collected relevant documents related to UD case from GRPS/Asansol.
- 2) During enquiry E.O of the case recorded the statement of Sri Deo Ranjan Kun on duty Dy.SM/BCQ in which he stated that on 26.05.18 he was picked up his duty fr 09.00 hrs to 17.00 hrs and during his duty period one Railway driver of E/ICDN-316 namely D.Das informed that one unknown male person aged about 35 yrs is lying dead between UP/L-1 & 2 at KM/No. 216/05-07 and 216/5A-216/7A near Barachak E Cabin. Accordingly he issued memo to all concerned.
- 3) During enquiry E.O of the case recorded the statement of claimant 1) Braham Yadav & 2) Fulan Devi (Father and mother of deceased person) in which they both sta that they came to know from GRPS/ASN that their son Sonu Kumar fell down fr running train while coming from Durgapur to Jasidih and died on the spot. But they: not sure actual cause of death.
- 4) During enquiry E.O of case verified the seized Railway ticket from Book supervisor/Durgapur when verified the said ticket as the said ticket was sold from Durgapur on 26.05.18 from counter no. 05.

5) *On the basis of circumstantial and documentary evidences it could be established that*

- i) The actual reason of death of the deceased could not be ascertained due lack of eye witness.*
- ii) No evidence is available to prove the deceased fallen down from train.*

Conclusion:

On the basis of documentary and circumstantial evidences, it clear that no evidence is available is to prove the fallen down of the deceased from any train. Hence, no claim should be entertained by the Railways for the death deceased.

As such ADRM/ASN is requested to refer the case to CCM/ER/KOAA for onward submission to the concerned RCT.”

7. The SI/RPF/BCQ/ER & E.O submitted an enquiry report in respect to untoward Accident occurred at KM No-216/05-07 and 216/5A-216/7A near East cabin Barachak in between UP/L No 1 and Up/L No 2 for which a UD Case vied no 33/18 Dt. 26.05.18 registered at GRPS/Asansol dated 07.09.2019 to the Sr. DSC/RPF/ASN, Eastern Railway which, *inter alia*, stated as follows:

“In connection with the above subject under reference it is to apprise that as per your good office order, a fact finding enquiry has been conducted to unearth the real fact for cause of death in an untoward incident occurred on 26.05.2018, SCNL/Asansol and on duty Dy. SM/Barachak reported that one male dead body aged about 35 years laying in between KM No- 216/05-07 and 216/5A- 216/7A near East cabin Barachak in between UP/L No 1 and Up/L No 2. as reported by driver namely D Das UDL of T/No31621 of ICDN. In this

regard on duty Dy. SM/Barachak issued a memo addressed to OC GRPS/Asansol and informed all concerned Rly official including RPF/BCQ also.

On receipt of information, SI/P.Bhattacharyya a/w on duty RPF staff of BCQ Post with GRPS Asansol jointly visited the spot when found that one unknown male person dead body laying in between track of up/line 1 and 2 at KM No- 216/05-07 and 216/5A-216/7A in between Barachak Asansol Rly. Station. The deceased wearing blue colour jeans pant and black shoes with full T-shirt of orange & red colour. SI/GRP Asansol searched the dead body and recovered one Rly. Ticket No-26857375, Ex-DGR to JSME with one Adhar card No- 640120140238 in favour of Sonu Kumar having D.O.B.- 07.11.1997 S/O Bramdeo Yadav vill-Mahamadpur P.O. Bhagalpura, Tarapur, Dist-Munger, Bihar-813321.

SI/GRPS/Asansol prepared Surat -E-Hal report and recovered materials were seized in presence of available witnesses duly signed by them. After observing all legal formalities, GRPS Asansol sent the dead body to the S.D. Hospital/Asansol for Post Mortem to ascertain the actual cause of death. In this regard GRPS/Asansol registered a U.D Case no. 33/18, Dtd. 26.05.2018.

During enquiry I went to BCQ Station and collected the memo issued by Dy.SM/Barachak 26.05.2018 vide no-SM/BCQ/03/05/18 in C/W the Untoward incident on 26.05.2018 at KM No- 216/05-07 and 216/5A-216/7A in between track of up / line 1 and 2, also fill up From No .1.

During enquiry I recorded the statement of on duty RPF -HC/3695 V.K.Pandey of RPF/Post/BCQ and I prepared a site plan duly shown and signed by the above named HC. The PO is fully corroborated with the fact and circumstances mention in the report/From No 2.

During enquiry I recorded the statement of Sri Deo Ranjan Kumar on duty Dy.SM/BCQ on 26.05.2018 where as he stated that on 26.05.2018 he was picked up his duty from 09.00 hrs. to 17.00 hrs. During his duty period one Rly driver namely D.Das UDL of E/ICDN-31621 informed over walki Take that one unknown male person aged about 35 years is laying dead in between UP/L-1 & 2 at KM No- 216/05-07 and 216/5A-216/7A near Barachak East Cabin. Accordingly I issued a memo to all concerned vide no-SM/BCQ/03/05/18 Dt.26.05.2018.

In course of enquiry I collected available records regarding the incident from railway side while the other evidence from the office of GRPS/Asansol. As per investigation report of GRPS/Asansol, the deceased person Sonu Kumar died due to fell down from any running train but the GRP authority could not produce any eye evidence or any prime evidence in support of report. His conclusion is based on his presumption.

I recorded the statement of claimant (Father & Mother of deceased person Sonu kumar) namely 1) Brahamdev yadav R/O vill-Mahamadpur P.S. Tarapur, Dist-Munger, Bihar 2) Fulan Devi W/O Brahamdev yadav R/O vill-Mahamadpur P.S.- Tarapur, Dist-Munger, Bihar. In which they stated on getting information from GRPs/ASN regarding death of their son due to fell down from any running train who was coming from Durgapur to Jasidih Station by any train. They are not sure about the actual cause of death.

I obtained ticket verification of Ticket no. 26857375 from Booking supervisor Durgapur he verified his office record and found that the above ticket was sold from Durgapur to JSME on 26.05.18 from counter no. 05.

On perusal of P.M report Dr. Satinath Banerjee in vide no. 532/18, dtd.26.05.18 that "Injuries described anti mortem in nature". But how the deceased got these injury has not been defined any where

either in medical report or in police investigation report. Their conclusion based on presumption as none of the eye witnesses adduce the cause of death by railway. Hence the cause of death could not be ascertained due to lack of consolidate evidence & eye witnesses.”

8. Considered the submissions of the Learned Advocate representing the appellant as well as the respondent –Eastern Railways.
9. Perused the written notes of argument filed by the Learned Advocate representing the Eastern Railway which had been kept in record.
10. In the decision of ***Doli Rani Saha vs. Union of India***¹, the Hon’ble Supreme Court held as follows:-

“C. The errors in the judgments of the Railway Claims Tribunal and the High Court

15. *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 [Union of India v. Rina Devi, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198], 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 : (SCC p. 588, para 29)*

“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

¹ 2024 SCC Online SC 1939

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.”

16. *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.*

17. *Further, the report of the IO indicates the details mentioned in the post-mortem report. It states that the cause of death was due to an injury sustained on the head and that all injuries were ante-mortem and caused by “blunt force impact”. It also states that forty-eight to seventy-two hours had passed since the time of death.*

18. *The High Court noticed the time of death estimated by the post-mortem report. From this, it concluded that it was not possible to hold that the deceased died on 5-9-2003 because the post-mortem examination was conducted on 9-9-2003 at about 1.30 p.m. It appears that the High Court was of the opinion that the deceased died later than 5-9-2003 because the post-mortem report indicated that forty-eight to seventy-two hours had passed since the time of death. However, the High Court did not notice that the IO indicated that the deceased fell off the train at approximately 11.15 p.m. on 5-9-2003.*

19. *Seventy-two hours prior to the conduct of the post-mortem would be about 1.30 p.m. on 6-12-2003. This would be about thirteen to fourteen hours after the deceased fell off the train. Conclusions in post-mortem*

reports as to the time of death are approximations. This is also indicated by the fact that they usually provide a window of time in which the deceased may have died. A margin of error of about half a day in cases where compensation is at issue is not disproportionate, where the evidence is otherwise corroborated by the material on record. In this case, the estimation as to the time of death in the post-mortem report differs from the time at which the IO stated that the deceased fell off the train by about half a day. The report of the IO otherwise corroborated that the deceased fell from the train. Further, the post-mortem report also stated that the deceased sustained ante-mortem injuries due to blunt force. Hence, from the material on record, it can be concluded that the deceased was a bona fide passenger on the train in question and that he sustained grave injuries leading to his death, due to his fall from the train. Compensation is therefore due to the appellant.”

11. In **Union of India Vs. Rina Devi**², the Hon’ble Supreme Court held as follows:-

**“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 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 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 :*

² (2019) 3 SCC 572

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 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] .”

27. In *Jetty Naga Lakshmi Parvathi [Jetty Naga Lakshmi Parvathi v. Union of India, 2011 SCC OnLine AP 828 : 2013 ACJ 1061]* 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.”

...

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.”

12. The Learned Tribunal in the impugned judgment and order, inter alia, stated as follows:-

“7.1 On perusal of the record it is noted that Dy. Station Manager, Eastern Railway, Asansol on 26.05.18 at 14.05 hrs. issued a memo to IC/GRP/Asansol & IC/RPF/Asansol mentioning that as per message of SM/Barachak vide message no.SM/BCQ/03/05/18 dated 26.05.18, an unknown male dead body was lying dead between Up line 1 & up line 2 at KM 216/05A 216/07A near East Cabin Barachak(Exht.A/6). On the basis of this message, Asansol GRPS registered FIR (Exht.A/ 7) and started U/D case no.33/18 dt.26.05.18. Investigation report(Exht.A/8) reveals that as per information of the witnesses who have signed on the inquest report, it is assumed that the deceased fell down from any running train and died. It is seen that the inquest report was signed by one V.K. Pandey, HC/3695 RPF/Barachak, one Raj Kumar, one Md. Raja and one Bittu Kumar. The respondent railway recorded the statement of the said V.K. Pandey, HC/3695 RPF/Barachak, wherein he stated that on getting information from PB/BCQ he went to the spot and found dead body of a male person lying between Up Reversible line and Up main line between Barachak and Asansol railway stations. He found that the deceased person got heavy injuries on his head. It is, therefore, established from the statement of the said V.K. Pandey that he was not an eye-witness to the incident. The applicant has not adduced evidence of other witnesses of the investigation report i.e. Raj Kumar, Md. Raja and Bittu Kumar. It is noted that none of such witnesses of the investigation report was travelling with the deceased and none of them has been adduced before the Court. As such, it is held that the opinion of the investigation report as the cause of death of the victim was based on hear-say statements. Final Police Report (Exht.A/12) states that during investigation from witnesses, it came to

light that death was due to fall down from a running train. Final Police Report concluded that it is accidental (fall down) death in nature. It is noted that Asansol GRPS has not recorded statement of any persons during investigation of the case. It, therefore, appears that Final police report suffers from the same infirmities as the inquest report as regards witnesses to the incident. In view of such discrepancies, the Investigation Report as well as Final Police report cannot be given cognizance.

7.2 DRM's report defends the case stating that on the basis of documentary and circumstantial evidences, it is not proved that the deceased fell down from a running train.

7.3 In support of bona fide of the deceased, the applicant has furnished an original railway ticket(marked as Exht.A/5) bearing no.26857375 dated 26.05.2018 valid for journey ex. Durgapur to Jasidih Jn. The ticket was issued at 08.13 hrs. and it is mentioned in the ticket that the journey should be commenced within three(3) hrs. or departure of first of train. The alleged incident took place between Asansol and Barachak railway stations after the train left Asansol. Train takes about 50 minutes to reach from Durgapur to Asansol by a train. Dy. Station Manager, Asansol issued the memo at 14.05 hrs. to the IC/GRP/Asansol & IC/RPF/Asansol. The memo of Dy. Station Manager, Asansol states that as per message of SM/Barachak, an unknown male dead body was lying between Up line 1 & Up line 2 near East Cabin Barachak. Dy. Station Manager, Barachak issued a memo at 12.30 hrs, stating that as reported by driver D. Das of E/ICDN-31621, an unknown male person aged about 35 years was lying between Up line 1 and Up line 2 near Barachak East Cabin. Statement of Deo Ranjan Kumar, Dy. SM/Barachak is on record wherein he stated that he was informed by the driver of E/ICDN-31621 at 12.30 hrs. It is not possible for a human body to remain undetected on an extremely busy section like Durgapur-Asansol for such a time period(between 09.00 hrs. to 12.30 hrs.) if it is assumed that the victim boarded a train from Durgapur shortly after purchasing the ticket at 08.13 hrs. From the ticket filed on behalf of the applicant it appears that it was a IInd class ordinary ticket, which is valid for journey in an unreserved compartment. Unreserved

compartment remains crowded. If any person falls down from an unreserved compartment, the other passengers from the basic instinct of human nature must pull the alarm chain to stop the train to save the life of the injured person. In the case in hand, there is no averment that the alarm chain was pulled after the alleged incident.

7.4 In support of the bona fide of the deceased, the applicant has filed the original ticket (Exht.A/5) and the seizure list(Exht.A/11). As per evidence on record the ticket was recovered from the possession of the deceased. The Court is of the view that mere recovery of the ticket from the possession of the deceased does not prove that the deceased while travelling by a train fell down from it.”

13. The absence of an eye witness is not necessarily fatal to the claim. Direct testimony of the eye witness might not be adduced, since the eye witnesses might not be present at the time of occurrence of the ‘untoward’ incident or there might be reluctance on the part of the same to appear before the Tribunal. Strict proof, therefore, in cases of probabilities and possibilities shall not be mandating in presence of other circumstantial evidence.
14. The instant case does not indicate the ‘untoward incident’ to fall within the category of exceptions under Section 124A of the Railways Act comprising suicide, self-inflicted injury etc. The post-mortem report ruled out the possibility of suicide, intoxication etc. Since the victim bearing a valid journey ticket fell from the crowded train on its motion, might not have been noticed by co-passengers instantly to pull the chain apprehensively.
15. In the decision of *Jameela vs. Union of India (2010) 12 SCC 443*, it was observed:

“it is not the burden of the claimant to prove the accident with mathematical precision. Reasonable inference from the evidence suffices.”

16. If at all the victim committed suicide, his prior endeavour and preparation could have been detected. The victim possessed a valid journey ticket authenticated as per the enquiry report as well as his Aadhaar Card for valid identification.
17. The initial burden to prove claim case is to be exercised by the claimant i.e. either the victim or the legal representative of the deceased. The victim herein was a bona fide passenger possessing a valid ticket with the authority to travel. There had been on 'untoward incident' under Section 123 (C) of the Railways Act, which resulted in the death of the victim. Once the claimant established its case as above the exceptions listed (a) the incident fell under the exceptions listed in the proviso to Section 124A as aforesaid (e.g. suicide, self-inflicted injury, intoxication insanity etc.). Therefore sufficient proof by preponderance of probability sufficient on the part of the claimant in exclusion of absolute certainty, plausibility and consistency, in the documents like complaint, FIR, post-mortem report etc. Therefore, the burden shifts on the Railways. The Railways in the instant case failed to establish its claim to the contrary. Mere vague assertions like lack of eye witness, omission in the post-mortem report regarding sustaining of injuries do not absolve the Railways from grant of compensation.
18. The Learned Tribunal is to assess the compensation to be granted adducing evidence only on the point of awarding compensation as expeditiously as possible.
19. In view of the above discussion, the instant appeal being FMA 1023 of 2023 is disposed of.

20. The Trial Court Records shall be sent down to the concerned tribunal forthwith.

21. Copy of the order be sent to the Department as well as concerned tribunal for information.

(Ananya Bandyopadhyay, J.)