

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 432 of 2024

1. Sri Sudhir Sah, Father of Kanhaiya Kumar
2. Smt. Bijaya Devi @ Vijaya Devi, mother of deceased Kanhaiya Kumar,
Both are R/o Village/Mohalla-Nonia, P.O.-Bhairoganj, P.S.-Chandan,
Katoria, Dist.-Banka, Bihar **Appellants**

Versus

Union of India through the General Manager, Eastern Railway, Kolkata,
P.O. & P.S.-Kolkata, Dist.-Kolkata **Respondent**

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Manish Kumar, Advocate
For Respondent-UI : Mrs. Niki Sinha, C.G.C.

Oral Order

06 / Dated : 15.10.2025

1. This misc. appeal has been preferred against the judgment and order dated 31.03.2023 passed by Railway Claims Tribunal, Ranchi in Case No. OA(IIU)/RNC/114/2019, whereby and whereunder, the claim application for compensation under Section 16 of the Railway Claims Tribunal Act, 1987 has been dismissed.
2. As per the case of the claimant, deceased Kanhaiya Kumar had gone to Kolkata to meet his father. While returning from Howrah to Simultala, on 31.05.2019, by Train No. 13019 Bagh Express, he fell down from the running train resulting in his accidental death.
3. It is contended that the father of the deceased had purchased the ticket and sent him by the said train, but the deceased did not reach his destination and his dead body was found between JSME and Tulsitar near KM No. 328/22-328/24. He was identified by Voter Identity Card. Altogether two witnesses were examined and the relevant documents including the certified copy of the station memo, inquest report, fardbeyan, FIR, Postmortem report has been adduced into evidence and marked as Exts.
4. Learned Tribunal dismissed the claim application on the ground that there was no eye witness to the accident and the claimant had failed to produce the ticket of the deceased.

5. It is argued by learned counsel for the appellants that the documents adduced into evidence like inquest report, final report, DRM report and postmortem report all cumulatively suggest that the death was due to accidental fall from the running train. In this circumstance, the claim application could not have been dismissed merely on the ground that the claimant failed to produce the passenger ticket and there was no eye witness to the incident. Reliance in this regard is placed on **(Union of India Vs. Rina Devi) (2019) 3 SCC 572**.
6. Ms. Niki Sinha, learned counsel appearing on behalf of the Railways, has vehemently opposed the misc. appeal and defended the impugned order and submitted that, had it been an accidental death by fall from the train, the matter would have been reported by the driver or guard or any coach attendant of the said train. However, there is no such evidence. On inquiry, finding has been recorded in the inquiry report by the DRM that the cause of death was not being done by an unknown train.
7. Having considered the submissions advanced on behalf of both sides and on perusal of the materials on record, admittedly there is no eye witness to the accident and passenger ticket has also not been produced.
8. The main point for consideration is whether the claim application could have been dismissed on the above two grounds when there are contrary evidences suggesting an accidental death in railway accident while the deceased was travelling on a train. The documents are none other but the documentary evidences adduced on behalf of the railways which have been marked as exhibits by the Tribunal. In the inquest report (Ext.A-2), it has been specifically stated in Column-9 that the death was due to fall from a running train. UD Case No. 15/2019 was registered after the dead body was found on the railway track on 01.06.2019. As per the inquest report, the death was due to accidental fall from the running train. In the postmortem examination report (Ext.A-6), the cause of death has been attributed due to accidental fall and rail track injury. On weight of these evidences, it is difficult to agree with the finding of the DRM report (Ext.R-1) that the death was a result of being knocked down by the train.

9. The finding of the Tribunal with regard to cause of death is, therefore, not sustainable and is set aside.
10. Since the accident took place on 01.06.2019, therefore, in terms of Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, Rs.8,00,000/- (Rupees Eight Lakhs) is awarded to the claimants/appellants with interest @ 7.5% from the date of accident which will be paid by the respondent-Railway within a month of the order.

Misc. Appeal stands allowed. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)

AKT/Satendra

Uploaded
17.10.205