

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 289 of 2022

1. Md. Alamgir, father of the deceased Md. Aadil
2. Yasmin Khatoon, mother of the deceased Md. Aadil, both are R/o
Village/Mohalla-Tetariya, P.O.-Tetariya, P.S.-Meskor, Dist.-Nawada
.... Appellants
Versus
Union of India, through the General Manager, South Eastern Railway,
3 Koilaghat Street, P.O. & P.S.-Garden Reach, Kolkata, West Bengal
.... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : Mr. Rajesh Kr. Jha, Advocate
For Respondent-U.O.I. : Mr. Shiv Kumar Sharma, Sr. C.G.C.

Oral Order

06 / Dated : 09.12.2025

1. The claimants are in appeal under Section 23(1) of the Railway Claims Tribunal Act, 1987 against the judgment dated 27.09.2022 passed by Railway Claims Tribunal, Ranchi in Case No. OA (IIU)/RNC/19/2020, whereby and whereunder, the claim application for compensation on account of death of Md. Aadil has been dismissed.
2. As per the case of the claimants, on 08.06.2019 Md. Aadil commenced his railway journey by train No. 12814 Steel Express from Tatanagar to Howrah after purchasing general journey ticket from Tatanagar Station counter in presence of his relatives Mushtakim @ Bablu, Safik @ Samir and others. It is further case of the claimants that Md. Aadil had fallen down from the running train due to overcrowding in which he sustained fatal injuries and died because of it. The ticket of the deceased was lost.
3. The G.R.P, Tatanagar lodged U.D. Case No. 28/2019 on 09.06.2019 and after enquiry, final report was submitted stating that the deceased died due to an accidental fall from the train.
4. As per the case of the Railways before the Tribunal, the averment regarding the accidental death was denied and it was claimed that the deceased was not a *bonafide* passenger.

5. The following documents were adduced into evidence:

- Ext. A1 — FIR
- Ext. A2 — Application of one Md. Alamgir to Railway Thana In-charge
- Ext. A3 — Inquest Report
- Ext. A4 — Final Report
- Ext. A5 — PM Report
- Ext. A6 — Family Certificate

And Other related documents have been marked as Ext. A7 to A 12.

6. The claimants examined themselves as witnesses.
7. Learned Tribunal has dismissed the claim application on the ground that there was no recovery of any ticket and there was no direct eye witness to the accidental fall of the deceased. It was also noted by the Tribunal that if the ticket had been purchased in presence of the family members, CCTV footage could have been adduced into evidence. In absence of any such evidence of accidental fall, the claim application was rejected.
8. It is argued by learned counsel for the claimants that the death of Md. Aadil in an untoward incident during his journey from the train has been proved by the documents which have been adduced into evidence on behalf of the applicants. These documents are not private documents but are the documents which were recorded by the GRP and Railway Police.
9. As per the written report of the claimant (AW1), the deceased had started his journey by Steel Express Train and had suffered an accidental fall during his train journey near Asanboni. U.D. Case No. 28/2019 was registered on the basis of the written report submitted by the claimant (AW1). The inquest report specifically notes that the death was caused due to fall from the train. After completing inquiry under Section 174 of Cr.P.C. final report (Ext. A4), has been submitted, wherein it has come that while returning after celebrating Eid festival, he had an accidental fall from the train resulting in his death.
10. These facts have also come in the testimony of the claimants, who have been cross-examined extensively by the defence, which has failed to impeach their credit.

11. Learned counsel for the Railways has defended the impugned order and submitted that any ticket has not been produced in support of the contention that he was a *bonafide* passenger and was travelling by Tata Steel Express train from Jamshedpur to Howrah. It has also argued that there is no direct eye witness to the incidence. The claimants were not a direct eye witness to the incidence and therefore, the claim case has been rightly dismissed by the Tribunal.
12. Having considered the submissions advanced on behalf of both sides, the main point for determination in the instant appeal is whether the claimants have succeeded to prove their case that the deceased Md. Aadil was travelling by train as a *bonafide* passenger and died due to an accidental fall from it.
13. It may be stated at the outset that the degree of proof, both in criminal and civil cases are different. So far as the claim cases are concerned, in civil cases facts are to be proved by preponderance of probabilities on the basis of evidence led on behalf of both sides. Further, since the claim cases are beneficial piece of legislation, strict proof of facts is not called for.
14. The deceased died in a railway accident is amply proved by the final report submitted under Section 174 Cr.P.C., after inquiry in the U.D. Case, wherein it has been stated that the deceased fell down from the train near Asanboni. The inquest report that was prepared also states the cause of death was by accidental fall from the train. These documentary evidences leave no doubt whatsoever that the death was in an untoward incidence during the railway journey.
15. So far as the question of the deceased travelling in a train as a *bonafide* passenger is concerned, law is settled by the Hon'ble Apex Court in **(2019) 3 SCC 572 (Union of India Vs. Rina Devi)** that the recovery of a railway ticket is not a *sine qua non* to prove that the deceased was a *bonafide* passenger. In this view of the matter and in absence of any contrary evidence or credible pleading on behalf of the Railways, this Court is of the view that the claim case under Section 124A read with Section 123(c)(2) of the Railways Act is proved.

16. Under the circumstance, the impugned order is not sustainable and, accordingly, is set aside.
17. Since the accident took place on 08.06.2019, 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 is allowed. Interlocutory Application, if any, is disposed of.

(Gautam Kumar Choudhary, J.)

AKT/Satendra
Uploaded
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