



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.957 OF 2024

1. Alkabai Wd/o Ramlal Rokade
Aged about 53 years, Occ: Housewife,
2. Akash S/o Ramlal Rokade
Aged about 27 years, Occ: Labour
3. Vikas s/o Ramlal Rokade,
Aged about 24 years, Occ: Labour

Appellant Nos.1 to 3 are R/o Near
Vitthal Mandir, Dhanvad Raod, Chincholi,
Tq. & Dist. Jalgaon-425003 (M.S.).

4. Soni W/o Yogesh Suryawanshi
Aged about 35 years, Occ: Housewife,
R/o 88B, Avirbhav Society, 2 Pandesara,
Surat City (Gujarat) 394221.
5. Monali W/o Bhaiya patil
Aged about 29 years, Occ: Housewife

All R/o Ram Nagar, Village Bhramhan
Shevage, Tal. Chalisgaon,
Dist. Jalgaon 424108 (M.S.)

...APPELLANTS
(Orig. Applicants on RA)

...V E R S U S...

The Union of India,
General Manager,
Central Railway, CSTM Mumbai.

...RESPONDENT
(Ori. Respondent on RA)

Shri M.S. Chaudhari, Advocate for appellants.
Ms N.G. Chaubey, Advocate for respondent.

CORAM:- M.W. CHANDWANI, J.
DATED :- 25.09.2025

ORAL JUDGMENT:

1. The appeal questions dismissal of the claim by the Railway Claims Tribunal, Nagpur Bench, Nagpur filed by the appellants for compensation on account of the death of deceased Ramlal Rokade, who died in a railway accident.

2. The Tribunal rejected the claim of the appellant on the ground that the ticket which was recovered from the body of the deceased was invalid, since its validity was three hours and the deceased travelled in Train No.12139 (Sewagram Express) from Chalisgaon to Jalgaon. Another reason for not considering the claim was that the body of the deceased was found on the up-track whereas, he was traveling towards the downward direction.

3. Having heard the learned counsels for the respective parties and having gone through the record and proceedings as well as the impugned award, it appears that on 18.10.2018 the body of the deceased Ramlal was found between the mid section of Jalgaon – Shirsoli on the up-track. Accordingly, ADR was registered. While conducting the inquest panchanama, the traveling ticket from Chaligaon to Jalgaon was recovered, which was issued at 03.00 pm. The version of the son-in-law of the deceased reveals that, since there was a huge crowd in the other trains, the deceased boarded in Train No.12139 (Sewagram Express).

Scheduled departure of the said train was 09.18 pm. Considering the circular issued by the Railway Board, the Tribunal held that the ticket is not valid beyond three hours.

4. There is no disclosure that the ticket will be valid for three hours. It appears that the Tribunal has relied on the version of Abhilasha, who is a Booking Clerk. According to her, she used to ask all passengers in which train they are intending to travel and then she used to inform that the ticket is valid for three hours. The Tribunal has erroneously relied on the version of this witness. Judicial note can be taken that there was a huge crowd on the ticket window. Therefore, the version of witness-Abhilasha that she informed every passenger that the ticket will be valid for three hours seems improbable. Another ground for discarding this version is that she has deposed that she used to tell them that the train ticket will be valid for three hours whereas, the period of validity of each ticket as per the circular issued by the Railway Board depends upon the distance of the journey which can be from 3 hours to 24 hours. How this witness has informed each passenger boarding the trains for various destinations that the ticket will be valid for three hours raises a lot of questions. In absence of any declaration on the ticket, the deceased who was

under the bonafide impression that the ticket which he has purchased is applicable to all trains on that day, the finding of the Tribunal that the deceased was not a *bonafide* passenger does not sustain. A reference can be made to the decision in the case of ***Union of India Vs. Rina Devi***¹ wherein, the Supreme Court in para 17.4 held as under:

“17.4 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.”

5. This takes me to the second reason based on which the claim was not considered by the Tribunal. Though, the dead body was found on the up-track but the fact remains that the upward and the downward track are parallel to each other. There is no science that a person falls from a running train proceeding towards the downward direction, he cannot fall on the up-track.

1 AIR 2018 SC 2362

Ultimately, how he falls is a decisive factor. The dead body was not found near the railway station but on the mid section of Sirsoli to Jalgaon. Travelling ticket was recovered from person of the deceased. In background of the case in hand it is to be presumed that Ramlal died as a result of falling from the train.

6. In view of the fact that the ticket was found in possession of the deceased, the findings recorded by the Tribunal do not sustain. Since, the deceased was a bonafide passenger and died in an untoward incident, the appellants are entitled to a compensation of ₹8,00,000/- alongwith interest at the rate of 6 per cent from the date of claim petition till its actual realization.

7. The appeal is allowed in the above terms.

8. The respondent is directed to credit the amount of claim in the accounts of appellants. Appellant no.1 will be entitled to ₹4,00,000/- (Four Lakhs) alongwith proportionate interest and the remaining amount of ₹4,00,000/- be distributed equally in the accounts of appellant nos.2 to 5 alongwith proportionate interest, within three months.

With this, the appeal stands disposed of.

JUDGE

Wagh