



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

FIRST APPEAL NO. 910 OF 2024

1. Smt. Babita Wd/o. Vaibhav Donglikar,
Age 27 years, Occ. Household
2. Smt. Prabhawati Wd/o. Wamnrao
Donglikar, Age 78 years, Occ. Household

Both are R/o. Praful Nagar, Chikhalwadi,
At Post Bhokar, Tq. Bhokar,
Dist. Nanded- 431801.

... **APPELLANTS**

// VERSUS //

Union of India through
General Manager, South Central Railway,
Secunderabad.

... **RESPONDENT**

Shri D. S. Lambat, Advocate for appellants.
Ms. Neerja Choubey, Advocate for respondent.

CORAM :- M. W. CHANDWANI, J.

DATED :- 26.09.2025

ORAL JUDGMENT :-

Heard.

2. **Admit.** By consent of the learned counsel for the parties,
the matter is taken up for final hearing.

3. Rejection of the claim filed by the appellants vide
judgment and order dated 15.07.2024 passed by the Member, Railway

Claims Tribunal, Nagpur Bench, Nagpur (for short, “the Tribunal”) in Case No. OA(llu)/NGP/42/2023 is challenged in this appeal. The appellants filed a claim for compensation under Section 124-A of the Railways Act, 1989 on account of death of Vaibhav S/o. Wamanrao Donglikar in an untoward incident on 06.12.2022 while he was travelling from Himayatnagar Railway Station to Nanded Railway Station by Train No. 11402- Adilabad Mumbai Nandigram Express. Deceased- Vaibhav was possessing a valid railway ticket bearing no. 51817534 to travel in the aforesaid destination. The respondent- Railway came up with a case that deceased- Vaibhav was run over by HOBCEM-6840 plus rest van (Track Machine) which was driven by Usa Rajakumar, who reported the incident to the Station Master of Bhokar Railway Station through walki-talkie.

4. The Tribunal without giving weightage to the railway ticket, relied on the version of respondent’s witness Usa Rajakumar (RW2) and came to the conclusion that the appellants failed to prove that deceased- Vaibhav died in an untoward incident as a result of falling from Nandigram Express, since it crossed the spot of accident at about 15.30 hours.

5. Having heard the learned counsels and having gone through the impugned judgment and order, the evidence of the

witnesses and material available on record, it transpires that in the spot panchnama, apart from the ATM card, Aadhar card, identity card of HDFC Bank and a passbook, one railway ticket for journey from Himayatnagar to Nanded was found. It is claimed by appellant no. 1 that deceased- Vaibhav was returning to Nanded where he was working. This fact is corroborated by the release deed (Exh. A198) dated 06.12.2022 registered before the Sub-Registrar, Himayatnagar and executed by deceased- Vaibhav on the day of the incident coupled with the fact that a railway ticket was found from the body of deceased- Vaibhav, who was travelling from Himayatnagar to Nanded. It is also not disputed that deceased- Vaibhav was working in HDFC Bank at Nanded.

6. It is also being deposed by Shyam Narayan Patil-Suryawanshi (AW-3), who was travelling in Nandigram Express that he was travelling along with deceased- Vaibhav and he alighted at Bhokar Station, whereas deceased- Vaibhav proceeded for his journey to Nanded in the same train. Unequivocal material available on record clearly demonstrates that AW-3 was alighted at Bhokar Station and from Bhokar Station, deceased- Vaibhav was travelling by the said train for his destination to his workplace- Nanded, whereas Usa Rajakumar Usa Innayya (RW-2) had deposed that somebody suddenly came in front of the Track Machine from the left side and was run over by the

Track Machine which was driven by him. His evidence shows that he left Bokhar Station at 19:53 hours, whereas the memo which he had given to the Station Master reveals that he informed that one unknown person was run over by his machine HOBCM 6840 at 19:30 hours. This witness was confronted with the discrepancy in his cross-examination to which he did not give any explanation.

7. In wake of the impeccable evidence, it is proved that deceased- Vaibhav boarded Nandigram Express at Himayatnagar and proceeded for his onward journey to Nanded in the same train. In view of this background of the case coupled with the discrepancy in the timing of the incident, the version of Usa Rajakumar (RW-2) regarding the manner in which deceased – Vaibhav died will not take away the case of the appellants that deceased- Vaibhav died as a result of falling from Nandigram Express, a passenger train. In the teeth of the fact that the deceased was travelling in Nandigram Express, the Tribunal erroneously gave weightage to the evidence of Usa Rajakumar (RW-2). There is sufficient material available on record to accept that deceased- Vaibhav died in an untoward incident. Therefore, the findings recorded by the Tribunal being unsustainable are required to be set aside and the appeal needs to be allowed. Hence, I proceed to pass the following order:-

- i) The appeal is allowed.
- ii) The appellants are entitled for a total compensation of Rs.8,00,000/- (Rs. Eight Lakhs) under Section 124-A of the Railway Act, 1989 along with interest @ 6% p.a. from the date of application.
- iii) The respondent is directed to credit an amount of Rs.5,00,000/- (Rs. Five Lakhs) directly in the account of appellant no. 1 along with proportionate interest and remaining amount of Rs.3,00,000/- (Rs. Three Lakhs) directly in the account of appellant no. 2 with proportionate interest within a period of three months from today.

(M. W. CHANDWANI, J.)