



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

FAO-1511-2016

Date of decision : 05.09.2025

Jaswanti Devi and others

..... Appellants

versus

Union of India

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Subhash Sachdeva, Advocate
for the appellants.

Mr. Narender Kumar Vashisht, Senior Panel Counsel
for the respondent-UOI.

PANKAJ JAIN, J. (Oral)

1. Challenge is to award passed by RCT, Chandigarh dated 28.10.2015, whereby the claim application filed by the appellants seeking compensation on account of death of Gurnam Singh in an untoward incident while travelling by train on 29.09.2010.

2. As per the claimants, Gurnam Singh boarded the train after purchasing ticket from Jagadhri to Darazpur Railway Station. When the train reached the destination station, i.e. Darazpur, Gurnam Singh accidentally fell from the train in question and succumbed to his injuries.

3. The claim petition was contested by railways. It was denied that the deceased was travelling as a bonafide passenger by train. It was also denied that he died in an untoward incident as contemplated under Section 123(c) read with Section 124-A of the Railways Act.



4. Tribunal framed the following issues:-

- “1. Whether the deceased was a bonafide passenger at the time of incident?
2. Whether the incident is covered within the ambit of Section 123(c)(2) read with Section 124-A of the Railways Act?
3. Whether the applicant(s) is/are the sole dependents of the deceased in this case?
4. Relief.”

5. Claimants in order to prove their case examined AW2-Shish Pal, who claimed to have met the deceased at Jagadhri Railway Station and to whom the deceased disclosed that he was travelling to Darazpur to meet some relative. However, his testimony has been disbelieved by the Tribunal holding that neither any ticket was recovered from the body of the deceased, nor it has been proved that the deceased died due to fall from the train. Tribunal held that the body was found lying in the middle of the track. It is highly improbable that a person who falls from train would land in the middle of the track as usually the body rolls and rests at some distance away from the track. The other factor that wayed with the Tribunal is that as per AW2, deceased boarded the train at 5:45 PM from Jagadhri, but his body was found the next morning. Tribunal held that it is also improbable that even though the deceased fell from the train inside the track, but remained unnoticed.

6. Counsel for the appellants relies upon ratio of law laid down in ***Union of India vs. Rina Devi, 2019 (3) SCC 572***. He submits that in terms of statement made by Shish Pal, who appeared as AW2, the requirement with respect to deceased being a bonafide passenger in view



of ratio of law laid down in ***Rina Devi's case (supra)*** stand satisfied. The death of the deceased on the railway track is not disputed. Onus shifted upon the respondents to prove that it was a case wherein the deceased had an intent to self inflict injuries. There being no such evidence led by the railways that the death of the deceased would fall within the ambit of Section 123(c)(ii) read with Section 124-A of the Railways Act. He thus submits that the appellants are entitled to compensation as provided under law on account of death of deceased Gurnam Singh in an untoward incident while traveling as a bonafide passenger.

7. *Per contra*, Mr. Vashisht submits that the Tribunal has recorded finding of fact after appreciating the entire evidence threadbare. It is highly improbable that AW2 Shish Pal the maternal uncle of the deceased saw him boarding train at 5.45 p.m. and yet he could not be located till morning. He submits that the Tribunal has rightly noticed that a person who falls at around 6.00 p.m. on the railway track will not go unnoticed till morning and thus the entire story put forth by the claimants-appellants is highly improbable and has been rightly disbelieved by the Tribunal.

8. I have heard counsel for the parties and have carefully gone through the records of the case.

9. As held by the Tribunal, AW2 Shish Pal is the material witness in the present case, his testimony reads as under:-

“The deponent states that the deceased Gurnam Singh was my nephew. The deponent got down at railway station Jagadhari by passenger train from Darazpur on the evening of 29.09.2010 and as soon as he came to the platform to get out,



he met my nephew Gurunam Singh there and after talking for 4-5 minutes, my nephew told me that he has bought a ticket for the passenger train and will go to Darazpur by train to meet his brother. On the morning of 30.09.2010, I received the information that my nephew Gurunam Singh died after suddenly falling from the passenger train near railway station Darazpur.”

10. In the considered opinion of this court, Tribunal wrongly disbelieved AW2 Shish Pal merely relying upon surmises and conjectures. Even though Shish Pal is related to the deceased, yet there is nothing in his testimony that makes him untrustworthy. Shish Pal in his testimony claimed to have met deceased at Jagadhari Railway Station on fateful day. He claims to have been told by the deceased of having purchased ticket to travel to Darazpur. It has come on record that the deceased was resident of village Radour, District Yamunagar and his body was found at Darazpur. The testimony of Shish Pal satisfies the ratio of law laid down by Supreme Court in the case of ***Rina Devi (supra)*** with respect to the deceased being bonafide passenger.

11. So far as the death of deceased on the railway track is concerned, the same is not disputed. The issue with respect to deceased having died in an untoward incident is also covered by the observation made by Supreme Court in ***Rina Devi's case (supra)***.

12. In view of the above, this Court finds that the award passed by the Tribunal dismissing the claim of the appellants cannot be sustained and needs to be set aside.

13. The date of accident is 29.09.2010. The claimants will thus be entitled for compensation as per unamended schedule i.e. 4 lakhs along with interest @ 6% from the date of accident till the date of actual



realization or rupees 8 lakhs, whichever is higher.

14. The amount awarded shall be disbursed as under:-

 “Appellant No.1 get Rs.2 lakhs. Rest of the 50% shall be disbursed among appellant No.2 to 4.”
15. It is made clear that appellant No.1 shall be entitled to 50% of the awarded amount only in case she has not remarried. In case she has remarried, the compensation shall be disbursed among appellant No.2 to 4.
16. The claimants shall move an appropriate application giving details of their bank account before the Tribunal within a period of 4 weeks with an advance copy to the Railways. After receiving advance copy with respect to details of bank accounts, Railways shall within a further period of 12 weeks deposit the entire compensation payable to the claimants in the bank accounts. In the event of failure of Railways to deposit the compensation within the prescribed period of 12 weeks, the Railways shall be liable to pay interest @9% per annum from the date of passing of this order till the date of actual realization.
17. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

05.09.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No