



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

**Reserved on : 31.07.2025
FAO-6584-2017 (O&M)
Date of decision : 25.08.2025**

Sushil Kumar Dhamija & anr.

..... Appellants

Versus

Union of India

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Atul Bhatia, Advocate
 for the appellants.

 Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel
 for the respondent.

PANKAJ JAIN, J.

1 Challenge is to award dated 08.05.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby claim application filed by the appellants seeking compensation on account of death of their daughter Prachi Dhamija stands dismissed.

2 As per the claimants their daughter Prachi Dhamija was pursuing her professional course at Delhi. Her practical examination which was scheduled for 20.04.2013 was cancelled. She telephonically informed her mother and sister about the same. As per the claimants Prachi boarded train after purchasing journey ticket from New Delhi to Sri Ganganagar to visit her relatives at Abohar and Fazilka. As the train reached at Bahawal Bassi, she accidentally fell down from the running train and suffered multiple injuries on



vital parts. She died on the spot. Body of the deceased was noticed by Gangmate Dharam Pal Singh who informed Station Master, Abohar. Memo dated 21.04.2013 was issued at 07.45 A.M. Relatives of the deceased claimed to have lodged missing complaint at Police Station Sukurpur, Delhi. Later on it was found that a dead body has been discovered near Abohar Railway Station. Relatives identified the deceased from photograph and belongings on 04.05.2013. As per claimants, the ticket along with the belongings of the deceased got lost in the accident. Claimants thus claimed that deceased Prachi having lost her life in an untoward incident while travelling by train was entitled for compensation as provided under law.

3 The claim was contested by the respondent/Railway. It was denied that the deceased was a bonafide passenger, as no ticket was found during *jamatalashi* of the deceased. The Railways further claimed that, deceased having died due to her own criminal and negligent act, the claim petition was not maintainable.

4 Railway Tribunal framed following issues :-

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

5 While returning finding on issues No.1 & 2, the Tribunal after analyzing evidence and statement of AW-1 came to conclusion that even though it has been claimed by the claimants that their daughter went to see the



relatives but admitted that they never knew that she was travelling by train. The fact that they lodged missing report itself shows that story regarding the deceased travelling to Abohar and Fazilka to see her relatives is also concocted story. Once the claimants admit that they never knew that she was travelling from train, how they could say that she was travelling from New Delhi to Sri Ganganagar after purchasing ticket. Thus, finding the story projected by the claimants regarding travel of the deceased by train being unbelievable, the Tribunal rejected the claim petition filed by the claimants.

6 Counsel for the appellants has assailed the findings recorded by the Tribunal. It has been contended that the fact that the body of the deceased was found near railway line proves that she died in an untoward incident. He submits that father of the deceased appeared in the witness box and stated on oath that the deceased was travelling after purchasing ticket satisfies the requirement of law as laid down in ***Union of India vs. Rina Devi, 2018 SCC Online SC 507***. The finding of the Tribunal thus needs to be reversed. He further submits that loss of a ticket in the accidents is nothing unusual. Normally miscreants on the railway track takeaway the belongings from the dead body and thus it is quite possible that the ticket was also lost and not found from the body of the deceased.

7 *Per contra*, counsel for the respondent-Railways submits that the falsity of the claim filed by the claimants stands unveiled in the cross-examination of the claimant who admitted that he never knew that his daughter was travelling by train. His statement to the effect that the deceased boarded train from New Delhi Railway Station for Sri Ganganagar after purchasing journey ticket is false and cannot be relied upon.



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

9 In order to claim compensation, the claimants are required to prove that the deceased was a bonafide passenger i.e. he/she was travelling by train on a valid ticket and that the deceased lost his/her life in an untoward incident as contemplated under Section 124-A of the Railways Act, 1989 (for short 'the Act').

10 In the present case it cannot be denied that Prachi lost her life in a railway accident. The same is evident from inquest report also. In answer to query number 12 in the inquest report the occurrence of the death has been mentioned as, "by falling down from the train". From the records, it is discernible that the Railway authorities discovered body of the deceased on 21.04.2013. As per admitted case, the claimants lodged missing report *qua* deceased on 20.04.2013. Admittedly, no inquiry was made from Railway authorities till 04.05.2013. Had claimants known that the deceased was travelling from New Delhi to Sri Ganganagar by train after purchasing ticket and has boarded train as claimed by AW-1, the obvious conduct of the claimants would have been to inquire from the Railway authorities after they came to know that the deceased was missing. The fact that the claimants made no inquiry till 04.05.2013 shows that the story projected with respect to Prachi boarding train from New Delhi for Sri Ganganagar after purchasing ticket is false and cannot be believed. Sushil Kumar Dhamija, AW-1 cannot be said to be a trustworthy witness.



11 In the considered opinion of this Court, false claim made by the claimants regarding deceased being bonafide passenger has been rightly appreciated by the Tribunal to dismiss the claim petition.

12 Finding no merits in the present appeal, the same is ordered to be dismissed.

25.08.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No