IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Biswaroop Chowdhury

F.M.A. 713 of 2025

Urmila Kumari & Ors.

VERSUS

Union of India

For the appellant: Mr. Navil Mittal, Adv.

For the respondent:
Mr. Sukumar Bhattacharyya, Adv.
Mr. Arijit Bakshi, Adv.
Ms. Oindrila Chatterjee, Adv.

Last Heard on: October 13, 2026

Judgment on: November 23, 2026

Biswaroop Chowdhury, J:

The appellant before this Court were applicants in a case under Section 124A of the Railways Act 1989 and are aggrieved by the Judgment and Award dated 18-02-2025 passed by Learned Railway Claim Tribunal Kolkata Bench in OA-/IIu/Kol/6/2026.

The case of the applicants/appellants before the Learned Trial Court may be summed up thus:-

On 04/06/2023 the deceased Pramod Das was travelling by Mail Express Train Ex-Tatanagar to Jasidih with his valid 2nd class Railway Ticket No. 12175768 During the course of working a railway Pramod Das accidently fell from the running train due to overcrowded pressure and sudden jerk near Asansol and died on the spot.

The Respondent/Railway Authority contested the case by filing written statement.

Upon hearing the Learned Advocates and considering the evidence adduced was pleased to dismiss the claim case by observing as follows:-

'6.9 Hence circumstantially as well as from preponderance of probability and after looking at the photographs of the dead body it looks more of a case of suicide. The incident took place near platform number 2 of Asansol station where the speeds of train are extremely slow and in case of a fall the head would have been outside the track and not deep inside as shown in the photograph of the deceased. Hence preponderance of probability points more in the direction of a suicide rather than a fall.

6.10. Therefore it is quite obvious that applicants have failed prove by marshalling sufficient cogent evidence that the deceased fell down from a train and that he was a bona fide passenger.

6.11. Hence both these issues are decided against the applicants.

ISSUE No. 4:-

7. Since as per the findings in Issue Nos. 1,2 and 3 above the applicants have failed to establish their case this issue does not require any adjudication:-

ISSUE No. 5:-

8. Since as per the findings in ISSUE Nos. 1, 2 and3 above the applicants have failed to establish their case they are not entitled to get any compensation or any relief, as prayed for. This issue is thus also answered against the applicants. Hence

ORDERED.

9. That the instant claim application is dismissed on contest on its merit. No costs.'

The appellant/applicants being aggrieved by the Judgment and Award passed by the Learned Tribunal have come up with the instant appeal.

Heard Learned Advocate for the appellants and Learned Advocate for the respondent. Perused the evidence adduced and materials on record.

Learned Advocate for the appellant submits that the deceased was travelling with valid 2nd class railway ticket No:- 12175768. In Railway Report as well as GRPS Report everywhere it is clearly mentioned that deceased was having valid railway ticket. Ticket was also verified by the railways and it was verified that ticket was issued from counter no. 3 of Tatanagar Station. Still the case was not considered by Railway claims Tribunal.

Learned Advocate further submits that as per inquest report, Final Report of Police Authority the deceased was travelling by train and fell down from the train and died on the spot.

Learned Advocate also submits that as per the seizure list of the Police Authority and DRM Investigation Report railway ticket was found from the possession of the deceased, and this it is a genuine case which should be allowed.

Learned Advocate relies upon the following Judicial decisions:-

Kamukayi and ors. VS Union of India and ors.

Civil Appeal No. 3799 of 2023

Rajni VS Union of India

2025 INSC. 1201.

Kharka Bahadur Chetri VS Union of India.

FMA-1134 of 2024

(High Court at Calcutta)

Vijay Bolu, Kanaje VS Union of India.

2026 BHC-AS-23274.

High Court at Bombay.

Learned Advocate for the respondent submits that from Para-2 of the Judgment of the Learned Tribunal it appears that the claim case is bad for non-joinder of necessary parties and the deceased was not a bona-fide passenger having valid journey ticket.

Learned Advocate further submits that the Learned Tribunal in course of deciding the issue no-2 and 3 considered the case made out by the respondents that the body of the deceased was cut into two pieces through waist one part with the head inside the track and another part is lying outside the track from waist down which indicated that the deceased did not fall from the train.

Learned Advocate also submits that the learned Tribunal after considering the cross-examination observed that the claim case could not be proved and the investigation report was a mere guess work, therefore no relevance and evidentiary value of the GRP Report. It further appears from the statement of Witness RW-1 that the GRP conducted physical search of the body in his presence and in front of his eyes, no journey ticket was recovered from the possession of the dead body. The GRP subsequently told that one Aadhar Card and a Railway Ticket was recovered from the deceased which proves that there was clear intention on the part of the GRP that the ticket was procured and shown latter point of time.

It is submitted that the appeal be dismissed.

Now with regard to the recovery of Railway ticket it appears from Inquest Report of the Police Authority that Railway ticket was found from possession of deceased. Thus there is no question of ticket being mentioned in seizure list at subsequent stage.

Further from the enquiry report of DRM the following observation appears.

'The Railway ticket No. UPG 12175768 found from the possession of deceased has been verified from commercial Superintendent S.E Railway/Tata in which it is mentioned that the said ticket was issued on 04.06.2023 from Counter No. 03 of Tatanagar booking office.'

Thus from both report of Police Authority and report of DRM, there is no scope to infer that victim was travelling without ticket.

Moreover non-finding of ticket from possession of deceased cannot always lead to the presumption that victim was ticketless travellor. In this regard it would be reasonable to quote the observation of the Hon'ble Supreme Court in the case of Union of India VS Rina Devi (supra). The Hon'ble Supreme Court in the said case observed as follows:-

'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 stnd explained accordingly.'

Thus the findings of the Learned Tribunal about non-existence of valid Railway Ticket cannot be sustained.

Now with regard to the findings of the Learned Tribunal that the victim committed suicide, it is neither the case of the appellant nor case of the respondent that the victim committed suicide thus there is no scope for the tribunal to make out a third case, which is not raised by the parties. Moreover there is no material on record to show that the victim committed suicide. The Police Report observed that there is no foul play neither there is observation of suicide. As per Police Investigation Report cause of death is due to fall from unknown running train. The Railway Authority refused to treat the death of the victim as untoward incident due to non-availability of eye witness to the incident.

It is to be remembered that in case of Railways Accident it is not always possible for victims family to arrange for eye witness unless they accompanied the victim. Thus they have to rely on the Police Report and Report of the Railway Authority.

In the case of Smt. Yellomma and ors. VS Union of India (MFA No-6117 of 2016). Karnataka High Court the Hon'ble Court observed as follows:-

'22. It is not possible for the claimants to examine a person as they have witnessed that the deceased has purchased tickets and also it is not possible for the NC:2025:KMC:16279 MFA No-6117 of 2016 claimants to examine a person as eye witness to the incident. If any passenger accompanied his friend or relative then it may be possible to examine that person as eye witness. But whereas a passenger travels alone along with other stranger passenger, then after the incident and when the claim petition is filed before the Tribunal it is not possible for the claimant to examine any person as witness to the incident. It not expected in this regard the claimants to examine any person as eye witness. Expectation by the railway administration that the claimants should examine eye witness is ridicule on the part of railway administration and it is wholly unwarranted?'

In the instant case it is established that the deceased had a journey ticket which was verified. Secondly in the Police Investigation Report it is observed that death of the victim was due to fall from the train. In view of the Police Investigation Report and existence of journey ticket it cannot be concluded that the deceased committed suicide. Moreover when it is proved that the victim was passenger in train in view of recovery of journey ticket and Police report mentions fall from train in absence of direct evidence that the victim jumped from the train to commit suicide it cannot be concluded that the

victim committed suicide. Thus the Learned Tribunal erred in holding that the victim committed suicide.

In the facts and circumstances this Court is of the view that the claimants have been able to establish that death of the victim is an untoward incident.

Hence this Appeal FMA No-713/2025 stands allowed. Judgment and Award passed by the Learned Railway Claim Tribunal Kolkata Bench in OA-/IIu/Kol/;6/2024 is set aside. The appellants/applicants are entitled to Rs. 8 lakh alongwith interest @6% per annum from the date of filing claim case till today. The Respondent Railway shall deposit the compensation amount alongwith interest before the Registrar General High Court Calcutta. Such deposit shall be made within 8 weeks from the date of communication of this order.

The appellants will be entitled to withdraw the compensation amount upon compliance of necessary formalities.

Urgent photostat certified copy of this order, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(Biswaroop Chowdhury, J.)