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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 12135 OF 2025
WITH
REVIEW APPLICATION (ST) NO. 17508 OF 2025
IN
FIRST APPEAL NO. 1406 OF 2022**

The Union of India ,
Through General Manager,
South Central Railway, Secunderabad.

.. Applicant

VERSUS

Surekha wd/o. Bhimrao Wavare & Ors.

.. Respondents

Mr. R.B. Bagul, Advocate for the applicant.
Mr. M.P. Kale, Advocate for the respondents.

CORAM : KISHORE C. SANT, J.
RESERVED ON : 13.02.2026
PRONOUNCED ON : 17.03.2026

ORDER :-

01. This Civil Application is filed for condonation of delay of 273 days caused in filing Application seeking review of judgment and order dated 12.08.2024 passed in First Appeal No. 1406 of 2022, thereby allowing the appeal and granting compensation to the claimants.

02. The application for condonation of delay is opposed by the

learned Advocate for the respondents. However, considering the reasons stated in the application, the delay in filing the Review Application is condoned. The application for condonation of delay is allowed. The Review Application be registered.

03. So far as the Review Application is concerned, the Review Application is filed seeking review of order dated 12.08.2024 passed by this Court in First Appeal No 1406 of 2022.

04. This Court by way of the said judgment and order allowed the appeal of the present respondents. Vide judgment and order dated 24.12.2021 passed by the learned Member (Technical) Railway Claims Tribunal, Mumbai at Nagpur in OA (Iiu)/NGP/184/2019, the claim application of the respondents came to be rejected. The compensation was thus refused by the said judgment and order.

05. Brief facts necessary for the purpose of deciding this Review Application are that the family members of one deceased Bhimrao Wavare filed claim petition seeking compensation from the present applicant. It was a case that deceased died in untoward incident on 09.07.2017 at around 04=10 p.m., while trying to catch train at

Mukundwadi Railway Station, Aurangabad. He was trying to get in the train and in that attempt he fell down and received injuries. He was immediately taken to the hospital, however, was declared dead. In post-mortem report, it was noted that the deceased died due to crush injuries to his abdomen with multiple fractures. On this, the claim petition was filed.

06. The learned Tribunal held that the deceased was not a bona fide passenger of the train on the relevant day, as he was not holding valid journey ticket. It was further held that the death of the deceased was not a result of untoward incident within the meaning of section 124(A) r/w section 123(C) of the Railways Act, as alleged by the claimants. This Court while reversing the judgment, held that the deceased was a bona fide passenger and on the issue of untoward incident, it is held that the incident in which the deceased died, can be said to be an untoward incident.

07. In the present Review Application a ground taken is that there is no evidence of purchase of valid ticket. No ticket was found in possession of the deceased. It is submitted that this Court wrongly relied upon judgment in the case of **Aniruddha Roy Mahendranath Vs.**

Union of India, AIR OnLine 2023 Bom 1481 and **Malabai Gopal Chandekar Vs. Union of India, 2023 (4) ABR 638**. It is alleged that there was no evidence on record of eye-witness of the alleged incident. It is further alleged that this Court has failed to appreciate that it was a self-inflicted injury/suicide, in which the deceased died. The contradiction which is considered to be a minor contradiction, in-fact was a major contradiction. Learned Advocate Mr. Bagul vehemently argued that to prove that the deceased was holding valid ticket, it was necessary to record finding on bona fide passenger. It was necessary to have proper evidence on record. The finding recorded by this Court is in absence of such record. It is wrongly held that he was a bona fide passenger. It was further required to be proved that the incident was untoward incident under section 124(A) of the Railways Act. He submits that even the judgments are not properly appreciated, which were relied upon by the parties. He thus submits that there is error apparent on the face of record and the judgment needs to be reviewed.

08. As against that, the learned Advocate for the respondent, while opposing the application, vehemently submits that this Court has considered the evidence on record and rightly appreciated the same. Assuming that the appreciation is not correct, said cannot be said to be

an error apparent on the face of record. He submits that no ground is made out to entertain the review application and prays for dismissal of the review application.

09. On going through the judgment, this Court finds that all the submissions of the parties were considered. The judgments relied upon by the parties are also considered. There is nothing pointed out showing that this Court has committed any error apparent on the face of record. This Court has considered the incident as untoward incident by considering the material on record. The main finding is as to whether deceased was a bona fide passenger. To render the finding also, this Court has relied upon judgment cited before the Court during the course of arguments. If at all, it is a case that this Court has not properly considered the ratio of the judgments, even if it is taken as it is, it would not amount to an error apparent on the face of record. While passing the judgment, this Court has considered all the points and the submissions, those were argued.

10. It is also argued by the learned Advocate for the respondents that there is no power of review vested with the Tribunal as Civil Procedure Code is not applicable. He made this submission in view of

section 18 sub-section (3) of the Railway Claims Tribunal Act. This Court thus finds substance in this submission. This Court, thus finds that no error apparent on the face of record is pointed out. There is no reason calling for review of the judgment.

11. The Review Application stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]