



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**FIRST APPEAL NO.250 OF 2024**

1. Smt. Veena wd/o Rahul Ukey,  
Age about 45 years,  
Occupation-Household (Wife of deceased).
2. Shri Nitesh s/o Rahul Ukey,  
Age about 24 years,  
Occupation-Student (Son of deceased).
3. Ku. Ekta d/o Rahul Ukey,  
Age about 23 years,  
Occupation-Student (Daughter of deceased).
4. Shri Sanket s/o Rahul Uke,  
Age about 20 years, Occu. Student,  
(Son of deceased).
5. Shri Sawaji s/o Motiram Uke,  
Age about 84 years, Occu. Farmer.  
(Father of deceased).
6. Smt. Vimal w/o Sawaji Uke,  
Age about 80 years, Occu. Household,  
(Mother of deceased).

All R/o. Pipra, Tah. Umred,  
District-Nagpur (Mah.)-441108. .. Appellants

..Versus..

Union of India,  
Through General Manager,  
Central Railway, CST,  
Mumbai.

.. Respondent

Mr. R.G. Bagul, Advocate for Appellants.  
Ms. Neerja G. Chaubey, Advocate for Respondent.

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**CORAM : PRAVIN S. PATIL, J.**  
**DATED : 21.08.2026.**

**JUDGMENT**

1. In the present appeal, the challenge is to the judgment and order passed by the Railway Claims Tribunal, Nagpur Bench, Nagpur dated 25.10.2023 in Case No.OA (Ilu)/NGP/38/2020.

2. The facts in the present case as stated by the appellants is that on 28.10.2017 the deceased (Rahul s/o Saoji Uke) had gone to Wardha from Nagpur to visit one of his relative by Nagpur-Kolhapur Express. On the same day, while returning back in the evening from Wardha to Nagpur, he has boarded in an unknown train and met with an accident. His body was found by Station Master/Ajani at K.M.826/28. On the basis of that information, the police have registered the case and investigation has been done in the matter.

3. The case of the appellants is that as the deceased has started his journey on 28.10.2017 from Nagpur to Wardha and while returning back by the train, deceased caused death in railway accident, therefore, the appellants are entitled for the compensation.

4. The respondent has strongly opposed the appeal. According to the respondent, in the affidavit of the appellants, basic facts were not stated. So also it is not established on record by which train the deceased was travelling back from Wardha to Nagpur. Furthermore no details of the relatives are given nor the relatives of the appellants were examined before the Tribunal. It is the submission of the present respondent that unless initial burden has been discharged by the appellants, that burden could not shifted on the respondent, hence the appellants have failed to discharge their burden, the appellants are not entitled for any compensation.

5. In addition to above, respondent stated that the respondent has examined before the Railway Tribunal, Loco Pilot of Ajmer-Puri Express and Prakash Sudhakar Rao Khorgade,

Deputy Station Superintendent, Ajni (A-Cabin). As such, from the evidence of these witnesses, it has been established that only the body of the deceased was found near the Ajni Railway Station and except that there are no details available in the matter.

6. It is also pointed out from the DRM report that the statement of Guard of Train No.12159 i.e. Amravati-Jabalpur Express was recorded on 21.07.2020 while conducting the DRM enquiry and he has specifically stated that the said train was halted at Khapri Station as there was no signal at 20.58 hours and later departed at 21.11 hours. It is also stated that the said train was again stopped at Ajni A-Cabin at Signal S-32 because of no signal for 10 minutes and arrived at Nagpur at 21.38 hours, but during this period, he has not reported any untoward incident or any jerk to the train. Therefore, it is the submission of the present respondent that it is established on record that the alleged untoward incident was never took place in the matter.

7. In the light of the above said submission of the parties, it would be relevant to rely upon the judgment of the Hon'ble

Supreme Court of India in the cases of ***Union of India .vs. Rina Devi, reported in AIR 2018 SC 2362.*** The Hon'ble Supreme Court has specifically held in Para 17.4 that mere presence of a body on the railway premises will not be a conclusive to hold that injured or deceased was a bonafide passenger for which claim for compensation could be maintained. It would be relevant to refer Para 17.4 which reads thus :

*17.4 : 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 stand explained accordingly.*

8. In the present case, except the affidavit of the appellants, there is no any document is placed on record to substantiate the submission that the deceased has caused death in any untoward incident in the matter.

9. The perusal of the judgment of Claim Tribunal demonstrates that the Tribunal has considered the entire evidence, documents and position of law and thereby decided the Claim Petition in right perspective.

10. After going through the record and the findings recorded by the Railway Tribunal, I do not find any perversity or illegality in the findings recorded by the Tribunal in the matter and the law laid down by the ***Union of India .vs. Rina Devi (supra)*** is clearly applicable in the present matter, therefore, the present appeal which is devoid of merit stands dismissed. No costs.

**(Pravin S. Patil, J.)**