



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FIRST APPEAL NO. 850 OF 2025

1. Pramila Sanjay Jadhav, Aged 52 years, Occ: Labour.
2. Sanjay Ramchandra Jadhav, Aged 56 years,
Occ. Service.

Both R/o 20/16, Shidco Colony, Bori, Wardha Road,
Dist. Nagpur - 441108.

APPELLANTS

VERSUS

Union of India by General Manager, Central Railway,
Chhatrapati Shivaji Terminal, Mumbai.

RESPONDENT

Ms Shilpa G. Barbate, counsel for the appellants.
Ms Neeraja G. Chaubey, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 13, 2026

ORAL JUDGMENT

ADMIT. Heard finally with consent of the learned counsel for the parties.

2. The appellants have challenged the judgment and order dated 12.01.2014 in OA(llu)/NGP/71/2020 whereby the learned Member of Railway Claims Tribunal, Nagpur Bench, Nagpur has dismissed the Claim Application under Section 124A of the Railways Act, 1989 read with Section 16 of the Railway Claims Tribunal Act, 1987 (for short, 'the Act of 1987').

3. The appellants, who are the parents of the deceased, were the claimants in the claim application. The parties are hereinafter referred to as the 'claimants' and the respondents according to their status in the claim application for the sake of convenience.

4. Deceased Satyam Sanjay Jadhav was the son of the claimants who had expired on 04.12.2019 due to the injuries suffered in the railway accident by falling from the Deccan Express train. It is the case of the appellants/claimants before the Railway Claims Tribunal that on 03.12.2019 deceased boarded Deccan Express for travelling from Pune to Mumbai. He accidentally fell down from the running train around 10.30 a.m. in the area of Matunga Railway station near KM no.10/3 due to the jerk of the train and thereby sustained sever injuries. After this untoward incident, he was taken to Sion Hospital by P.N.-2737 Shri Patil for medical treatment but during treatment he died on 04.12.2019 at around 9.00 pm. The claimants therefore filed Claim Application seeking compensation.

5. The respondent-Railway administration resisted the claim by filling written statement and in their pleadings it is submitted that as per the STR, the deceased was not travelling by the train and also valid ticket was not recovered from the deceased at the time of the inquest panchnama. Hence, the administration is not liable to pay any compensation even if the body of the deceased was found in the premises of the railway track. After perusal of the evidence on record, the Tribunal dismissed the claim petition. Being aggrieved by this judgment, the appellants have preferred the instant appeal.

6. It is the contention of the claimants that the deceased was travelling as a *bona fide* passenger, with a valid ticket. Learned advocate

took me through the statement of the deceased recorded during medical treatment, spot Panchnama dated 05.12.2019 as well as inquest panchnama dated 05.12.2019. She pointed out that the panchnama was drawn after two days of the untoward incident and thus there is every possibility that ticket got untraceable. The Investigating Officer has observed that the trouser of deceased was torn at the time of bringing the deceased to the hospital. It is submitted these facts are sufficient to infer that the journey ticket might have been lost in this incident. It is submitted that by considering this circumstantial evidence, it ought to have been concluded that the deceased was travelling as a *bona fide* passenger and it was sufficient to shift the onus of proof on the respondent. In support of her submissions, she placed reliance on the judgment of the Hon'ble Supreme Court in ***Union of India Versus Rina Devi*** [(2019) 3 SCC 572].

7. The learned advocate for the respondent-Railways supported the judgment and order passed by the Tribunal and submitted that Tribunal has properly appreciated the evidence and rightly dismissed the claim application. She further submitted that at the time of drawing inquest panchnama, one bag was found in which mobile phone, wallet and Aadhar card of the deceased were recovered but no valid ticket was found. She further submitted that in the enquiry conducted by the officials of the Railway Department, it was found that the deceased was not a *bona fide* passenger. She submitted that by considering all these aspects, this appeal deserves to be dismissed.

8. On the basis of submissions put forth by the respective counsel for the parties, following points fall for my consideration:-

- I. Whether the deceased died due to fall from the running train and as such his death was an untoward incident?
- II. Whether the deceased was a *bona fide* passenger?

9. With the able assistance of the learned counsels for parties, I have perused the record and proceedings of the claim application. On perusal of the record and proceedings of the Tribunal, it appears that the Tribunal has not considered the panchnamas on record which clearly shows there is delay in conducting the panchnamas.

10. On perusal of the DRM report dated 03.12.2019, it appears that the statement of deceased Satyam Sanjay Jadhav was recorded on 03.12.2019. Form 1 of accidental death Report clearly show that the deceased had died in the railway accident while he was travelling by train. Further, the conclusion of DRM report also supports this fact. As such, the findings recorded by the Tribunal in paragraph 18 of the impugned judgment are unsustainable. In view of this, merely because the railway ticket was not found from his body, it cannot be inferred that he was not having the ticket and he was not a *bona fide* passenger.

11. In this regard, it is beneficial to have a look at the legal position. The Hon'ble Apex Court in the *Union of India Versus Prabhakaran Vijaya Kumar & Others* [2008(5) ALL Mr. 917] has held as under:-

"Section 14-A of the Railways Act, 1989 casts strict liability on the Railway even the deceased died due to his own fault. Then also, Railway is liable to pay amount of compensation."

The Hon'ble Apex Court in ***Jameela & Others Versus Union of India*** [2010 AIR (SC) 3705] has held as under:-

"When deceased died while alighting the train due to his own negligence, it is not a criminal act and, therefore Railway cannot deny its liability."

In ***Rina Devi*** (supra), the Hon'ble Apex Court has held as under: -

"29. 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."

12. In the wake of the documents of spot panchanama, the statement of deceased and the report of DRM, it is clear that the Tribunal has erroneously recorded the finding that the deceased was not a *bona fide* passenger and the claimants could not prove the death of deceased in an untoward incident. The learned Member of the Tribunal, therefore, was not justified in rejecting the claim application solely on the ground that the claimants could not prove that the deceased was a *bona fide* passenger. The claimants having discharged the initial burden of proof that the deceased was the *bona fide* passenger and his death was an untoward incident, the respondent-Railway Administration cannot be absolved of their liability of paying compensation to the dependents of the deceased.

13. As such in the instant case, as the deceased was a *bona fide* passenger travelling from Pune to Mumbai and his death was an untoward incident and was not covered by proviso to Section 124A of the Railways Act, 1989, the claimants are entitled to receive the compensation. For the reasons stated above, the impugned judgment deserves to be quashed and set aside and the appeal deserves to be allowed. Hence, the following order is passed:-

- I. The appeal is allowed.
 - II. The impugned judgment dated 12.01.2024 passed by the Railway Claims Tribunal, Nagpur is hereby quashed and set aside.
 - III. The claim petition filed by the appellants is allowed. The respondent-Union of India is directed to pay to the appellants the sum of Rs.8,00,000/- along with interest at the rate of 6% per annum from the date of claim application till its actual realisation.
 - IV. The aforesaid compensation shall be disbursed subject to deposit of deficit Court fee, if any.
 - V. The aforesaid compensation shall be deposited in the account of claimants after verifying their identity, within a period of three months.
14. The first appeal stands disposed of in aforesaid terms. No costs.

(PRAFULLA S. KHUBALKAR, J.)