



231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-10177-2014

Date of decision : 16.04.2026

SANJU AND ORS

....Appellants

Versus

UNION OF INDIA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. M.S. Rana, Advocate for the appellants.

Mr. Sandeep Bhatia, Sr. Standing Counsel, UOI.

PANKAJ JAIN, J. (ORAL)

The appeal has been preferred by the dependents of the deceased - Dalu Ram @ Dala Ram.

2. Plead case of the claimants is that on 04.08.2011 the deceased was going from Pataudi Road railway station to Rewari in train No.1 RNT/54011. At about 8:20 pm, when the train reached between Khalil Pur and Ichha Puri railway stations, the deceased who was standing near the gate, fell down from the train due to heavy rush and jerk and died due to fatal injuries.

3. The respondent/Railways contested the claim on the ground that no untoward incident occurred causing accident of the deceased within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, nor the deceased was a *bonafide* passenger, the present application is not maintainable.



4. On the basis of the pleadings, following issues were framed:

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

5. Tribunal rejected the claim, holding that from the *Jamatalashi*, ticket was recovered, the same was for 04.08.2011, but the accident took place on 05.08.2011. Hence, he is not a *bonafide* passenger, and the applicant cannot maintain the claim petition.

6. Counsel for the appellants submits that the Tribunal has totally misread the evidence on record and rejected the claim of the claimants.

7. I have heard counsel for the parties and have carefully gone through the records of the case.

8. Section 124A deals with liability of Railways to pay compensation to the victims on account of injuries/loss of life suffered owing to untoward incidents and accidents involving Railways. The aforesaid provision came on the statute book by way of Railways Amendment Act, 28 of 1994. The same has come up for consideration before Supreme Court in the case of **Rathi Menon vs. Union of India (2001) 3 SCC 714**, **Union of India vs. Prabhakaran Vijaya Kumar and others, (2008) 9 SCC 527**, **Jameela and others vs. Union of India, 2010**



AIR SC 3705, Union of India vs. Rina Devi, (2019) 3 SCC 572 and Doli Rani Saha vs. Union of India, Civil Appeal No.8605 of 2024 (Arising out of SLP (C) No.32962 of 2018).

9. After considering the aforesaid precedents, this Court dealt the issue elaborately in the case of **Sandeep Narula and ors versus Union of India** bearing FAO No. 2700 of 2016 and culled out the following parameters:

“15. In view of above, the following proposition can be culled :

(i) Railway is liable to pay to an injured passenger or to the dependents of a passenger killed in an untoward incident involving railways. The passenger for the purpose of Chapter XIII of the Railways Act does not necessarily mean a passenger as contemplated under Section 2(29) of the 1989 Act. Rather explanation appended to Section 124A provides that the passenger shall include:

- a) a railway servant on duty;*
- b) a person who has purchased a valid ticket for traveling by a train carrying passengers on any date; or*
- c) a valid platform ticket and becomes a victim of an untoward incident.*

The definition is inclusive. It does not exclude any category. Definition of ‘passenger’ as appended to Section 124A by explanation is much wider than the definition of ‘passenger’ as provided under Section 2(29) of the 1989 Act.

(ii) As per the dictum of law laid down in Rina Devi’s case (supra), once an affidavit is filed by the claimant that the victim was traveling on a valid ticket, the initial burden to prove that the victim was a bona fide passenger stands discharged. Thereafter, it is for the Railways to rebut the same to prove otherwise.

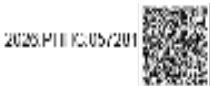


(iii) *Untoward incident is different from accident. 'Untoward incident' is defined under Section 123(c) of the 1989 Act. Under five situations as contemplated under proviso appended to Section 124A, the Railway Administration may be absolved of its liability. Any other situation that does not fall within the ambit of proviso appended to Section 124-A, invites liability of Railway Administration to pay compensation. The compensation needs to be paid as per the mandate of statute as interpreted by Supreme Court in **Rina Devi's case (supra)**.*

(iv) *The liability of the Railway Administration is based on the 'principle of strict liability'. Plea of 'no fault of railways' or 'negligence of the victim' is not available to the Railway Administration.*

10. While dismissing the present claim petition, the Tribunal has proceeded on the assumption that the incident occurred on 05.08.2011 as the body was discovered on 05.08.2011. Despite the ticket having been recovered from the body of the deceased, he has been held to be not a *bona fide* passenger on the ground that the ticket was dated 04.08.2011 whereas the incident took place on 05.08.2011.

11. From the records, it is discernible that the body was discovered on 05.08.2011 at 05:00 AM by the guard Puran Singh. The post-mortem report on record suggests that the post-mortem examination was conducted within 24 hours of the death. The same was conducted on 05.08.2011. Thus, the death having occurred on 04.08.2011 cannot be ruled out.



12. On the other hand, counsel for the respondent admits that the train passes from the relevant spot at 08:20 PM. The discovery of body on 05.08.2011 at 05:00 AM rather rules out the possibility of occurrence on incident on 05.08.2011.

13. In view of above, the findings recorded by the Tribunal cannot be sustained. The same are hereby set aside.

14. There is no evidence on record to prove any intentional act on part of the deceased which led to loss of his life. The incident does not fall within the five exceptions as contemplated under the proviso appended to Section 124A of the 1989 Act. Thus, the respondent/Railways cannot be absolved of its liability and is required to pay compensation.

15. As a sequel of the discussion held herein-above, it is held that the injured was a *bonafide* passenger, who suffered injuries in an untoward incident. Consequently, the present appeal is allowed.

Relief:

The accident relates to the year 2011. Thus, the compensation awarded to the appellants shall be as per Part I of the Schedule appended to the Railway Accident and Untoward Incidents (Compensation) Rules, 1990 prior to amendment dated 1st of January, 2017 i.e. Rs.4.00 lacs along with interest @ 9% per annum payable for the period from the date of application till the date of actual realization or Rs.8,00,000/- whichever is higher.

April 16, 2026

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No