



274 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-2531-2018

Date of decision : 16.02.2026

ANITA DEVI @ ANEETA DEVI AND ANR

....Appellants

Versus

UNION OF INDIA AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Upender Prashar, Advocate for the appellants.

Mr. Ashish Rawal, Advocate for respondent No.1.

PANKAJ JAIN, J. (ORAL)

Challenge is to the order dated 16.11.2017 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby claim application filed by the appellants seeking compensation on account of death of one Sanjeev Salathia claimed to have died in an untoward incident dated 08.11.2013 while travelling in a train, has been rejected.

2. Counsel for the appellants has drawn attention of this Court to the findings recorded by the Tribunal on Issues No.1 and 2. He submits that even though it was recorded by the Tribunal that as per DRM report, railway ticket Ex Vijaypur to Jammu was recovered from the personal search of the deceased yet the claim petition has been dismissed holding that the deceased having tried to board moving train was negligent and thus would fall within the exceptions carved out under Section 123(c)(2) of the Railways Act,



1989. He submits that there being no evidence to prove intention on part of the deceased to suffer self-inflicted injuries, the award passed by the Tribunal, cannot be sustained. The same is in teeth of ratio of law laid down by Supreme Court in the case of **‘Union of India vs. Rina Devi’, (2019) 3 SCC 572.**

3. Per contra, Mr. Rawal would urge that the recovery of ticket is highly doubtful. The claimants themselves are not sure as to whether the ticket was recovered from the clothes or from the purse of the deceased, which creates clouds over the version of the claimants. He further submits that the deceased tried to board a moving train when three of the bogies had already moved beyond platform. Thus, the deceased himself being negligent, claimants are not entitled for any compensation.

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

5. Railway Claims Tribunal has recorded that even as per the DRM report, the ticket was recovered from the person of the deceased. Respondent/Railways has not challenged the said finding. In view thereof, this Court finds that it is too late in the day for the railways to claim that the deceased was not a *bona fide* passenger and that too when their own investigation conducted by the DRM found that the ticket was recovered from the body of the deceased.

6. The next question is :



‘Whether the case falls within the exceptions carved out under Section 124A of the 1989 Act?’

6.1. The issue w.r.t. criminal negligence alleged against the passengers and the ‘principle of strict liability’ that forms basis of compensation under the 1989 Act came up for consideration before Supreme Court in ***Rina Devi’s*** case (supra). Supreme Court observed as under:

“16.1 From the judgments cited at the Bar we do not see any conflict on the applicability of the principle of strict liability. Sections 124 and Section 124A provide that compensation is payable whether or not there has been wrongful act, neglect or fault on the part of the railway administration in the case of an accident or in the case of an 'untoward incident'. Only exceptions are those provided under proviso to Section 124A. In Prabhakaran Vijaya Kumar (supra) it was held that Section 124A lays down strict liability or no fault liability in case of railway accidents. Where principle of strict liability applies, proof of negligence is not required. This principle has been reiterated in Jameela (supra).

16.6 We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in ***United India Insurance Co. Ltd. v. Sunil Kumar, 2018(1) RCR (Civil) 680 : 2017 (13) SCALE 652*** laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor.



7. Guided by the principle of law culled out by the Supreme Court, this Court finds that in the absence of any evidence to show that the deceased intended to inflict injury upon himself, the findings recorded by the Tribunal, cannot be sustained.

8. In view thereof, the present appeal is allowed. Deceased Sanjeev Slathia is held to have died in an 'untoward incident' while travelling as a *bona fide* passenger with railways.

9. At this stage, Mr. Prasher informs this Court that claimant No.3 Manjit Slathia, mother of the deceased, has already died. He submits that claimant No.4 Mukhtiar Singh had already filed affidavit giving no objection to the release of compensation in favour of claimants No.1 and 2 i.e., widow and the minor son of deceased.

10. In view of above, it is ordered that the compensation of Rs.4,00,000/- lacs along with interest @ 9% per annum for the period commencing from date of institution of the claim application i.e. 08.08.2014 till the date of actual realization or Rs.8,00,000/- without interest whichever is higher, is awarded to the claimants No.1 and 2.

11. The claimants shall move an appropriate application giving details of their bank account before the Tribunal within a period of 4 weeks with an advance copy to the Railways. After receiving advance copy with respect to details of bank accounts, Railways shall within a further period of 12 weeks deposit the entire compensation payable to the claimants No.1 and



2 in their respective bank accounts. The same shall be transferred to claimant No.2 subject to him showing that he has attained majority.

12. In the event of failure of Railways to deposit the compensation within the prescribed period of 12 weeks, the Railways shall be liable to pay interest @ 9% per annum from the date of passing of this order till the date of actual realization.

February 16, 2026
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No