

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3793 of 2025**

=====

BRAHMANE MANISHA SADANANDBHAI & ORS.

Versus

UNION OF INDIA

=====

Appearance:

MR RATHIN P RAVAL(5013) for the Appellant(s) No. 1,2,3,4,5,6

MR MONISH MALVIYA for MS ARCHANA U AMIN(2462) for the Respondent

=====

CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 13/03/2026****ORDER**

1. Heard learned advocates appearing for the respective parties.

2. This First Appeal u/s 23 of the Railway Claims Tribunal Act, 1987 (in short "the Act") is directed against the judgment and order dated 12.8.2025 passed by the learned Railway Claims Tribunal, Ahmedabad Bench, Ahmedabad in Case No.OA (Iiu)/ADI/630/2025 (DT), whereby the the learned Tribunal rejected claim of Rs.8 lakh plus interest on the ground that the incident took place within the train compartment does not fall within the untoward incident as defined in section 123(c) or section 124 of the Act and no liability of the Indian railway arose to pay compensation for the death of deceased Sadanand Brahmane.

3. Briefly stated facts of the case is that deceased Sadanand

along with his friend were travelling from Bhusawal to Sutar in train No.19008 Bhusawal - Surat Express with ticket bearing No.UHQ-22886948 on 31.1.2024. Due to sudden jerk and jolt in the train, the deceased was on the upper berth fell on the ground of the train and died later on in the private hospital.

4. The learned Tribunal referred to section 123(c) of the Act and read section 123(c)(2) of the Act in isolation and came to the conclusion that since the deceased fell down within the train and died, he is not entitled to get any compensation.

5. The Hon'ble Apex Court in case of Union of India Vs. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527, held that object of the Act is for the benefit of the person for whom the Act was made and should be given liberal and not the strict interpretation. Section 123(c) of the Act on its plain reading appears to be a beneficial piece of legislation. Section 123(c) in fact widened the benefit of untoward accident and even if, the railway is not involved in untoward accident, the railway has been held liable to pay compensation if a passenger travelling in the railway suffers injury or death.

6. The benefit is found to be in inclusive definition. In view of section 123(c)(iii), even if a person is in waiting hall, clock room or reservation or booking office or on any platform or any other place within the precincts of a railway station and received injury or suffered death, the railway is liable to pay compensation.

7. Section 123(c)(2) is adding one more reason and ground for permitting the Tribunal to grant compensation. It cannot be read in isolation. Section 124 of the Act, whereby extent of liability has been defined, uses phrase “any part of train carrying passenger”, which assumed significance and even if, the passenger is travelling in the train, is entitled to compensation if he received injury or death.

8. Learned advocate Mr. Rathin Raval relied upon the judgment of the High Court of Judicature at Allahabad, Lucknow Bench in case of **Union Of India Through The General Manager, Northern Railway Versus Narendra Kumar Gupta, 2014 ACJ 2242**, which involves absolute identical facts.

9. In view of above, this Court does not subscribe non-sensitive approach of the learned Tribunal and rather deprecate such non-sensitive approach carried out by the learned Tribunal to negate the claim of a person, who admittedly, was travelling in the train and fell due to jerk and jolt in the train and received death. A lot more can be observed, but the Court restrained itself from observing anything further.

10. For the reasons stated herein above, present First Appeal is allowed and impugned judgment and order dated 12.8.2025 passed by the learned Railway Claims Tribunal, Ahmedabad Bench, Ahmedabad in Case No.OA (Iiu)/ADI/630/2025 (DT) is hereby quashed and set aside.

11. The matter is remanded back to the learned Tribunal to be decided afresh keeping in mind the aforesaid observations as well as the judgment in case of Naresh Kumar Gupta (supra) so also the provisions of section 123(c) of the Act in its entirety and section 124 of the Act.

12. Time limit of eight weeks to complete the matter is fixed from the date of receipt of copy of this order.

SHEKHAR P. BARVE

(J. C. DOSHI,J)