IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 1473 OF 2024**

1. Mr. Prahlad Lungaji Dhule
   Age – 66 years, father of the deceased, ]
2. Mrs. Reshmabai Prahlad Dhule
   Age – 56 years, mother of the deceased , ]
3. Smt. Kavita Pandurang Dhule
   Age – 27 years, Wife of the deceased. ]
4. Miss. Sonam Pandurang Dhule
   Age – 08 years, Daughter of the deceased, ]

   (Applicant No. 4 being minor crave leave to apply through their next friend and natural guardian mother i.e. Applicant No. 3 Smt. Kavita Pandurang Dhule) ]

   R/o. At Post – Khandala, Taluka – Pusad, District – Yawatmal, State - Maharashtra ] **...Appellants**

***Versus***

**Union of India,** through
General Manager, Central Railway,
Having his office at 2nd Floor, GM Building, D. N. Road, Mumbai – 1. ] **...Respondents**

SAIRAJ SANJAY KARANDE
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*Mr. Balasaheb Deshmukh i/b Mr. Deepak T. Ajagekar for Appellant.*
*Mr. N. R. Bubna, Ms. Pooja Malik, A. A. Achhra for Respondents.*

**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : 21st July, 2026**

**Oral Judgment :**

**1.** The First Appeal is at the instance of the original Applicants being aggrieved by the judgment dated 25th February, 2020, passed by the Railway Claims Tribunal dismissing the claim application.

**2.** The facts of the case are that claim application came to be filed by the dependents of the deceased under Section 16(1) read with Section 13(1-A) of the Railway Claims Tribunal Act, 1987 and Section 124-A of the Railways Act, 1989 seeking compensation on account of death of Pandurang Prahlad Dhule in an untoward incident which occurred on 11th August, 2014 between Umalner and Khardi railway station when the deceased was travelling as a *bona fide* railway passenger from Kasara to Kalyan railway station.

**3.** The Respondent-Railways contested the claim contending that alleged incident has taken place due to deceased's own criminal act and negligence and that he sustained self-inflicted injuries, which proved fatal, for which the Railway authority is not responsible and cannot be termed as "untoward incident" as defined under Section 123(c)(2) of the Railways Act, 1989. It was also denied that deceased was a *bona fide* passenger.

**4.** The Railway Claims Tribunal framed the necessary issues and insofar as the issue as to whether the deceased died in an untoward incident, the same was answered in favor of the Applicants. The claim

application came to be dismissed on the ground that the deceased was not a *bona fide* passenger. It noted on perusal of inquest panchnama, that the GRP has mentioned recovery of railway ticket from the possession of the deceased, however, the details of the railway ticket which was recovered, has not been recorded and thus, the validity of the ticket cannot be ascertained and that the railway ticket is not placed on record and therefore, held that the deceased was not a *bona fide* passenger.

**5.** Mr. Deshmukh, learned counsel appearing for Appellants would submit that Railway Claims Tribunal though accepted that the deceased expired in an untoward incident, has rejected the claim on the ground that the deceased was not a *bona fide* railway passenger. He submits that the GRP has noted about the railway ticket mentioned in the inquest panchnama. He submits that as per the report of GRP, the victim had fallen down from an unknown train. He submits that as the accident was accepted as untoward incident and the GRP has mentioned the railway ticket in the inquest panchnama merely because the railway ticket has not been produced on record cannot be held to mean that the deceased was not a *bona fide* passenger.

**6.** Per contra, Mr. Bubna, learned counsel appearing for Respondent-Railways would support the impugned judgment. He would submit that the Applicant has failed to produce the railway

ticket on record and the details of the ticket were not mentioned in the report of GRP. He submits that mere mention of the railway ticket in the inquest panchnama is not sufficient to come to conclusion as regards the deceased being a *bona fide* passenger.

**7.** The issue which arises for consideration is whether by reason of non-production of ticket at the time of evidence, the deceased cannot be said to be a *bona fide* passenger.

**8.** The evidence on record would indicate that the GRP, Kalyan has mentioned about railway ticket in the inquest panchnama. A report was submitted in the office of the Inspector, RPF, Kasara stating that GRP, Kalyan has mentioned the railway ticket in the inquest panchnama and hence, *prima facie* the victim can be termed as *bona fide* passenger. It is settled by the decision in the case of ***Lata vs. Union of India***[1], in paragraph 19 as under :

> **"19.** Turning back to the present facts, there is a statement by the appellant that the deceased had a ticket in his bag for the journey. There is no other way to prove this. There is no denial of the deceased travelling in the train and occurrence of the incident. The factum of death and it not falling into the exceptions provided for, is quite clear. It is no one's case that the exceptions apply. Then, the claim only depends on the ticket. The said bag in which the ticket was allegedly kept, could not be recovered, more so by the Police. Be that as it may, we are of the view that the Courts below have erred in not awarding compensation to the appellant. The decision in ***Rina Devi*** (supra) subsequently approved by a Bench of three judges in ***Doli Rani Saha v. Union of India*** *[(2024) 9 SCC 656]*, records that merely because the ticket of a

1 2026 INSC 715.

> train journey was not found on the person of the deceased, will not change his status as a *bona fide* passenger. It has been held that the initial burden of the claimant can be satisfied by way of an affidavit. Such an affidavit has indisputably been filed by the claimant in the present facts.....…."

**9.** Following the decision in the case of ***Union of India vs. Rina Devi*[2]*,*** it was held that merely because the ticket of a train journey was not found on the person of the deceased, will not change his status as a *bona fide* passenger and the initial burden can be satisfied by way of an Affidavit.

**10.** In the present case, apart from the fact that the Applicants have pleaded that the deceased was a *bona fide* passenger and had bought a railway ticket for travelling from Kasara to Kalyan railway station, the GRP while carrying out the inquest panchnama has reported about recovery of railway ticket. In view of the decision of the Hon'ble Apex Court as well as the Respondent's own document which mentions about the recovery of the railway ticket from the possession of the deceased, the Railway Claims Tribunal committed an error in deciding the issue of the deceased being a *bona fide* passenger against the Applicants merely on the ground that the details of the ticket recovered has not been stated. The evidence on record raises a presumption about the ticket being found with the body of the

2 (2019) 3 SCC 572.

deceased and that he is a *bona fide* passenger.

**11.** In light of the evidence which is come on record, the issue as to whether the deceased was a *bona fide* passenger is answered in favor of the Applicants

**12.** Resultantly, the following order is passed :

**: O R D E R :**

(a) First Appeal is allowed.

(b) The impugned judgment and order dated 25th February, 2020 in Claim Application No. OA (II u)/MCC/0421/2015 is hereby quashed and set aside.

(c) Claim Application No. OA (II u)/MCC/0421/2015 is allowed.

(d) The Respondent-Railways is directed to pay to the Applicants a sum of Rs. 8,00,000/- or the sum of Rs. 4,00,000/- along with interest @ 9% p.a. from date of accident till payment or realisation, whichever is higher.

(e) The amount to be paid within period of 8 weeks from submission of account details by Applicants to the concerned department of Respondent.

**13.** In view of above, nothing survives for consideration in pending Applications, if any, and the same stand disposed of.

**[SHARMILA U. DESHMUKH, J.]**