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2026:GUJHC:50254

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 2408 of 2023
With
CIVIL APPLICATION (FOR WITHDRAWAL/DISBURSEMENT OF AMOUNT) NO. 1 of 2026
In R/FIRST APPEAL NO. 2408 of 2023

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI

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Approved for Reporting	Yes	No
		No

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UNION OF INDIA THROUGH GENERAL MANAGER
Versus
RAMMILAN KRIPASHANKAR DUBE & ANR.

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Appearance:
MS ARCHANA U AMIN(2462) for the Appellant(s) No. 1
MR RATHIN P RAVAL(5013) for the Defendant(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 10/08/2026

JUDGMENT

1. Heard learned advocate Ms.Archana Amin for the appellant and learned advocate Mr.Rathin Raval for the respondents.

2. By way of this appeal under section 23 of the Railway Claim Tribunal Act, Railway Administration challenges judgment and decree dated 06.04.2023 passed in Case No.OA-2017/0222 by learned Railway Claims Tribunal, Ahmedabad, by which the learned Railway Claims Tribunal allowed the

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claim petition and directed Railway Administration to pay compensation of Rs.8 lakhs within 30 days from the date of order with 9% interest.

3. Parents of the deceased – Sachidanand Dube have preferred aforesaid claim petition under the provisions of Railway Act to claim compensation of Rs.8 lakhs on account of death of their son in railway accident. Deceased son was travelling from Nar Town to Sayma Station with ticket in passenger train and fell down from train near Tarapur Station resulting death on the spot.

4. Railway Administration denied claim filed by the claimants by filing written statement along with DRM report with contention that deceased tried to alight from running train to catch mobile phone which had fallen down and during that time, he fell between railway track and resulting into his death. Learned Railway Tribunal disallowed the contention of Railway Administration and allowed the claim petition. Being aggrieved, Railway Administration is before this Court.

5. Having heard learned advocates for both sides and considering facts and circumstances, what appears that accident on the railway track is accepted. Railway Administration relied upon on DRM report to contend that deceased died due to his negligence by alighting from running train. Even if this accepted, it falls within definition of 'untoward incident'.

6. Hon'ble Apex Court in the case of **Shrikumar Gupta**

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v/s. Union of India [2025 Live Law (SC) 1115] addressed this issue. Relevant para 8,9 and 10 reads as under :-

> *"8. Per contra Mr. Brijender Chahar, learned ASG appearing for respondent-railways would support the impugned order and contend that deceased had purchased a ticket to travel from Satna to Maihar, the place where the deceased was to get down as it was his native place and obviously on account of having boarded a wrong train and realising his mistake and in the haste of alighting at the station where he intended to alight, had jumped from the running train resulting in injuries being sustained and his act of neglect is attributable to himself and as such the Clause*
>
> *(b) of proviso to Section 124A of the Act would absolve the Railways to indemnify the claim as the death was caused due to self-negligence and cannot result in the railway authorities indemnifying the claim. Hence, he has prayed for dismissal of the appeal.*
>
> *9. Having heard the learned counsel appearing for the parties and on perusal of the records, it would reveal that there was no dispute to the fact that the deceased having purchased a valid ticket to travel from Satna to Maihar. On the relevant date i.e. on 29.05.2013 another express train has also entered the platform in which the deceased was standing and by mistake obviously having seen the train having arrived at the same platform he has boarded the train to travel to Maihar. In fact said express train also passed through Maihar. However, the deceased not being well conversant with these details obviously under mistaken notion has boarded the express train. The DMR Report would also indicate that the deceased had in fact purchased a railway ticket and had expired due to the injuries sustained in the railway accident. It was for this precise reason that both the members of the tribunal held in favour of the claimants, by arriving at a conclusion that deceased was a bona fide passenger. Merely because the deceased had boarded a wrong train, it cannot be construed that he was not a bona fide passenger so as to absolve the railway*

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authorities from contending that deceased not being a bona fide passenger.

10. Insofar as the contention or the plea put forward by the railways that deceased had sustained injuries on account of his own act, though, at first blush looks attractive, we are not inclined to accept the same for the simple reason that no sane person could have attempted to deboard or alight from a running train that too an express train. The railway authorities have taken a plea in the written statement in paragraph 3 that the deceased had jumped off the train, namely, had alighted at the station where he intended to alight, is a plea without proof. Having raised such a plea, it was incumbent upon the railway authorities to prove the same. However, the DRM Report is also silent on this aspect. For these reasons we are unable to accept the contention of learned ASG. The two members of the tribunal have rightly held that the railway authorities are required to pay the compensation."

7. It was case where deceased de-boarded from running train as he board on wrong train, to catch correct train and by doing so, he received injuries. Hon'ble Supreme Court did not approve the contention of Railway Administration that accident occurred due to self negligence of deceased. Facts of the present case are similar to facts of the judgment in the case of Shrikumar Gupta (supra).

8. So far as second contention that deceased had no valid ticket to travel train. Issue is no more *res integra* in view of judgment in the case of **Union of India v/s. Rina Devi [2018 AIR (SC) 2362]** (relied by learned Railway Tribunal) and relied in the case of **Dolly Rani Saha v/s. Union of India [(2024) 9 SCC 656]**. Para 15 of the said judgment reads as under :-

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> *"15. From the recapitulation of the various judicial pronouncements leading to the present appeal, it can be seen that the primary issue is whether the deceased was travelling on the train in question. In Rina Devi (supra), a two-Judge Bench of this Court considered the question of the party on which the burden of proof will lie in cases where the body of the deceased is found on railway premises. This Court held that the initial burden would be on the claimant, which could be discharged by filing an affidavit of the relevant facts. Once the claimant did so, the burden would then shift to the Railways. Significantly, it also held that the mere absence of a ticket would not negate the claim that the deceased was a bona fide passenger. The relevant extract from the ruling of the Court is reproduced below:*
>
> > *"29. We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. 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. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly." (emphasis supplied)"*

8.1. In this case claimant has filed affidavit on record claiming that his son was travelling with valid ticket. Burden shifts upon Railway Administration to disprove facts. It is noticeable that none of railways entered into witness box to disprove facts stated in the affidavit.

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9. Solitary contention of the appellant is based on DRM report, however, DRM report was filed on 25.08.2017, incident took place on 20.11.2015 and claim petition was filed on 06.02.2017. Therefore, DRM has prepared and filed report after filing of the claim petition. Statutory requirement for filing DRM report is 60 days from the date of incident, therefore, DRM report has no value in the eye of law and cannot be relied upon.

10. In aforesaid premises, it is proved that the deceased was bona fide passenger and he met with untoward accident and lost his life.

11. In view of above finding, the first appeal deserves no consideration. Accordingly, the first appeal is ***DISMISSED***. Interim relief granted earlier, if any, stands discontinued. Record and proceedings, if any, be send back to learned Tribunal concerned.

12. The learned Tribunal concerned is directed to disburse the amount of compensation to the respondent – claimant along with interest, after due verification and identification.

Connected Civil Application stands disposed of.

(J. C. DOSHI,J)

SATISH

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