

**Before Railway Claims Tribunal, Ahmedabad Bench {as Circuit
Bench of Railway Claims Tribunal, Mumbai Bench
(Parent Bench of this case) through Hybrid Mode.**

Coram: Shri Virendra Kumar Goyal, Hon'ble Member (Judicial)
Shri Pravinchandra N Parmar, Hon'ble Member (Technical)

CASE No.OA/IIu/MCC/190/2023.

Date of Institution: 11.02.2022.

Date of Decision: 23.12.2025.

1. Mr. Mohd Nasir Mohd Alijan Shaikh, aged 48 years,
(Father of deceased)
2. Miss. Heena Nasir Shaikh, aged Adult,
(Sister of deceased)
3. Master Arbaz Nasir Shaikh. Age: 14 yrs,
(Brother of deceased)

(The applicant No.3 is minor, represented through his father and natural guardian,
applicant no.1)

All are residing at: C Block, Room No.48, Prem Nagar Janata Colony, Macchi
Market, Mulshid Gully, Jogeshwari (East), Mumbai 60.

...APPLICANTS

VERSUS

Union of India,
Through the General Manager,
Western Railway, Church Gate,
Mumbai-400020.

....RESPONDENT

CLAIM FOR Rs. 8,00,000/- with interest

Mr. Megha A Pendse, Ld. Counsel for Applicants.

Mr. Pushkar Gokhale, Ld. Counsel for the Respondent.



JUDGEMENT

1. This OA has been filed by the father and siblings of the deceased under Section 16 of the Railway Claims Tribunal Act, 1987, for compensation from the Respondent Railway on account of the alleged death of Late Hasmuddin Nasir Shaikh, aged 18 years (hereinafter referred to as 'deceased'), in an alleged untoward incident during the alleged train journey, on the ground that they are the dependents of the deceased.

2. Initially, this O.A. was filed before the RCT/Mumbai Bench. Subsequently, upon directions of the Hon'ble Chairman/Principal Bench – Delhi, dated 10.11.2025, this case was referred to RCT/Ahmedabad for disposal within the time stipulated in the said order through hybrid mode. This Tribunal received the original file on 13.11.2025. Thereafter, the Ld. Counsels for both parties appeared through a hybrid mode to argue their case on 04.12.25 as per the order of Hon'ble Chairman.

3. Basic details relating to the incident as contained and alleged in the Application:-

(a) **Date of incident:** 12.07.2019.

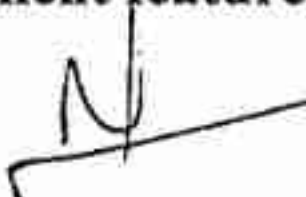
(b) **Person deceased:** Late Hasmuddin Nasir Shaikh, aged 18 years.

(c) **Relationship of the applicants with the deceased:** Applicant no.1 is the father, applicant no.2 is the sister and applicant no.3 is the minor brother of the deceased.

(d) **Train involved and transit details:** The deceased was traveling by unknown local train from Jogeshwari to CSMT Railway Station with a valid Second class Return Journey Railway Ticket bearing No. Y 26118543.

(e) **Untoward incident narrated:** On 12.07.2019, the deceased was traveling by unknown local train from Jogeshwari to CSMT Railway Station with a valid Second class Return Journey Railway Ticket bearing No. Y 26118543. During the course of the journey, the deceased accidentally fell down near KM No. 18/16 to 18/16 B Up Harbour Line between Vile Parle Railway Station and Santacruz Railway Station. Due to a fall from the train, the deceased sustained Serious Injury to his Head. He was taken by the Police for further Treatment with the help of Porters immediately in an Ambulance to Cooper Hospital, Vile Parle, (W) Mumbai and Admitted to the ICU Ward for Treatment. While taking Treatment in the Hospital he succumbed to the injuries on next day Morning at 05.45 a.m. The journey ticket bearing No. Y 26118543 was recovered from the body of the deceased.

4. Salient features of reply:



(a) **Averments in reply:** In the written statement, the respondent has denied the incident as "UNTOWARD INCIDENT". The Respondent submits that as per the GRP/ADH report there is no mention of the ticket Number and copy of the ticket is also not attached with the report, thus the ticket bearing no. Y26118543 UTS - BQMICFJ29D, dated 12/7/2019 issued at 10.17 AM submitted by the claimant cannot be held as a valid ticket carried by the deceased at the time of the incident. Hence, the applicants are not entitled to the alleged amount of compensation.

(b) Crux of DRM Report:

"RPF/BA को स्टेशन अधीक्षक विलेपाले द्वारा दिए गए बयान में दिनांक 12.07.2019 उक्त घटना के समय प्लेटफार्म नं. 3/4 पर स्थित अपने कार्यालय में होना व उसी प्लेटफार्म पर आयी बोरीवली चर्चगेट लोकल के यात्रियों द्वारा चलती ट्रेन से एक व्यक्ति गिरने की सूचना जोर जोर से चिल्लाते हुए देना व जिसे उनके द्वारा रिकॉर्ड करना तथा समय की जरूरत उक्त गिरे हुए यात्री को अटेंड कर समय पर अस्पताल लेकर जाना होने के कारण उनके द्वारा उक्त यात्री का नाम/पता नहीं लेना दर्शाया है। माननीय वैद्यकीय अधिकारी, कूपर हॉस्पिटल, विलेपाले द्वारा जारी पोस्ट मार्टम रिपोर्ट में अंग्रेजी में "HEAD INJURY" दर्शाया है। GRP/ADH द्वारा उक्त जखमी व्यक्ति की ली गयी तलाशी में एक ओपो कंपनी का मोबाईल, इयर फोन, एक पॉकेट जिसमें नगद रुपए-200/-, आधार कार्ड व दिनांक 12.07.2019 जोगेश्वरी से CST तक लोकल का टिकिट आदि मिलना दर्शाया है। लेकिन GRP/ADH द्वारा उक्त रेलवे टिकिट का नंबर दस्तावेज में नहीं लिखा हुआ है और ना ही उसकी प्रति सलग्न की गयी है। अतः उक्त जखमी व्यक्ति ने अनाधिकृत रूप से बिना किसी अधिकार पत्र के रेलवे परिसर में प्रवेश किया है, जो रेलवे अधिनियम की धारा 147 के तहत अपराध है। जिसके लिए रेलवे प्रशासन को उत्तरदायी उहर।"

5. The following issues were framed from the pleadings:

ISSUES

1. Whether the deceased was travelling on a valid Railway journey ticket and was a Bonafide passenger of the train in question at the relevant time?

2. Whether the deceased met with an untoward incident due to accidental fall from the passenger carrying train, suffered injuries, and died as a result thereof and the present case is covered under the definition of Section 123 (c) (2) of the Railways Act, 1989?



3. Whether the Applicants are the sole dependents of the deceased within the definition of under Section 123(b) of Railways Act, 1989 and are entitled to compensation as claimed?

4. To what Relief?

6. Applicant's Evidence: The Applicant No. 1, father of the deceased, has filed his affidavit as AW/1 on the lines of pleadings set up in OA and examined him. He has been cross-examined by the Counsel for the Respondent.

7. Respondent Evidence: Respondent has relied upon its DRM Report and documents annexed thereof, and has not opted to adduce any oral evidence.

8. Documents filed by the Parties:

A. Applicant has filed the following documents as under: Station Memo annexed as Exhibit- A/1, Police Report annexed as Exhibit- A/2, Police Report dated 13-07-2019 annexed as Exhibit- A/3, Inquest Panchnama annexed as Exhibit- A/4, Cause of death Certificate annexed as Exhibit- A/5, Statement of Nasir Shaikh annexed as Exhibit- A/6, Original Ticket annexed as Exhibit- A/7, Death Certificate of Hasmuddin annexed as Exhibit- A/8, Aadhar card of Hasmuddin, Mohd Nasir and Heena annexed as Exhibit- A/9, A/10 and A/11.

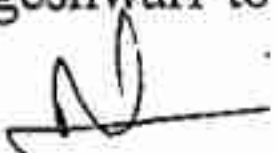
B. Respondent has filed the Statutory DRM report and documents annexed thereto.

FINDINGS

9. We have gone through the case file carefully and perused the pleadings of the parties and documents placed on record by the parties and heard the arguments put forth by the learned counsel for both the parties, and after hearing the Counsels for the parties, our findings on the aforesaid issues are as follows:

Issues No. 1 & 2

10. Both issues, being interconnected with each other, are taken up together for a better appreciation of the evidence on record. Admittedly, in this case, during the Inquest Panchnama, while searching the body of the deceased, one return ticket from Jogeshwari to CSMT Railway Station Railway Station was found. Same ticket was



attached with the Original Application by the applicants bearing no Y 26118543. The Applicant No.1 Mohd. Nasir Mohd. Alijan Shaikh categorically deposed in his affidavit that the original valid 2nd Class Railway ticket bearing No. Y 26118543 Ex. Jogeshwari to CSMT Railway Station of the deceased is produced on record (Exb. A-7). There is a reference of ticket in the DRM report. It is for the respondent to demonstrate that the ticket was not valid or that the passenger was not a bona-fide passenger or that the ticket was not purchased by him. However, the respondent did not succeed to discharge the burden. There is no contrary evidence or material available on record to falsify the theory of purchasing ticket by the deceased put-forth on behalf of Applicant. In such circumstances, there is no impediment to conclude that he was a bona-fide passenger, as defined in Sec. 2 (29) of the Railways Act, 1989, as well as Explanation (ii) to sec. 124-A of the Railways Act, 1989.

11. So far, regarding the untoward incident, to come to the right conclusion, we would like to cite extracts from the following documents:

(a) **Station Diary** : It recites that one person had fallen down from running train near KM 19/03.

(b) **Inquest Panchnama**: It concluded that the deceased fell from some unknown Local Train in between Vile Parle to Santacruz Railway Station suffered severe injury to his Head and has Died.

(c) **Post Mortem Report**: It recites that the deceased died due to head injury.

(e) **Crux of DRM Report**: As per Station Superintendent Vile Parle:

“दिनांक 12.07.2019 उक्त घटना के समय प्लेटफार्म नं. 3/4 पर स्थित अपने कार्यालय में होना व उसी प्लेटफार्म पर आयी बोरीवली चर्चगेट लोकल के यात्रियों द्वारा चलती ट्रेन से एक व्यक्ति गिरने की सूचना।”

All these documents, in one way or another, admitted that the deceased was injured due to an accidental fall from any running train. So, there is a strong possibility of travel by the deceased and an accidental fall from the train.

12. We have to rely upon facts and documents available and circumstantial evidence. In the Inquest Panchnama, DRM report and Station Diary, it is revealed that the deceased fell down from the unknown running local train. The Respondent Railway has failed to prove their defense that the deceased did not fall down from

any running train and that he was dashed by any train. Even the documents of the Railways do not clearly suggest whether the deceased met with the incident while traveling or while crossing the railway track. The allegations based on a figment of imagination cannot be taken as proof. It was the responsibility of the Respondent Railway to prove that the deceased was not traveling by any train and that he was dashed while crossing the railway track or hit by any train by adducing cogent and reliable evidence. The argument advanced on behalf of the Respondent Railway appears to be hypothetical and imaginary. The Respondent has failed to produce any direct evidence, i.e., Loco Pilot or Train Manager, and in the absence of any direct evidence of the alleged falling down incident, the matter is to be decided from the attending circumstances of this case, which do bring out that there is a preponderance of probability of the deceased having fallen down from the train. So, we find no legal impediment to say that the deceased was travelling in a train and during the course of the journey, he might have accidentally fallen down from the running train, and the said incident would come within the ambit of an untoward incident and the Respondent is not protected under the exceptional clause (a) to (e) of Sec 124 (A) of the Railways Act, 1989.

13. In view of the facts and circumstances of this case and evidence on record, we have no hesitation in concluding that the deceased Late Hasmuddin Nasir Shaikh, while traveling as a bona fide passenger, had accidentally fallen down from a running train, sustained serious injuries, and died thereafter. Accordingly, the incident is covered under "untoward incident" as defined under Section 123 (c) (2) read with Section 124-A of the Railways Act, 1989.

Hence, we answer issues Nos. 1 & 2 in the affirmative.

Issue Nos. 3 and 4

14. AW/1, i.e. Mohd Nasir Mohd Alijan Shaikh has deposed that he is the father of the deceased, and the applicant no.2 & applicant no. 3 are the sister and minor brother of the deceased. The mother of the deceased had predeceased before filing the OA. In support of dependency, applicants have filed documents of their Aadhar Cards. Evidence of the Applicant goes unchallenged on the point of the relationship with the deceased. As against this, the Respondent Railway administration did not adduce any contrary evidence to show that the present Applicants are not the dependent of the deceased. So, the applicants, being the father, sister and minor brother of the deceased, are entitled to the compensation as dependents, in this case within the meaning of Section 123 (b) (i) & (ii) of the

Railways Act, 1989.

Both the issues are decided in favour of the applicants.

ORDER

16. The claim application is allowed. The Respondent Railway shall pay to the dependents a sum of ₹800000/- (Rs. Eight Lakh) as compensation as per apportionment given below, within 60 days from the date of this order. The awarded sum will carry simple interest @ 9% p.a. from the date of the incident, i.e., 12.07.2019, till the date of this order [Excluding the period of interest from 19/12/2024 to 25/02/2025 as per order dated 19.12.2024]. If the Respondent Railway fails to pay the amount within the above stipulated time (60 days), the awarded sum will carry simple interest @ 9% per annum from the date of the order till the date of realization.

17. The Respondent Railway Administration is directed to deposit the whole amount, along with interest, with the Registry of RCT/Mumbai within 60 days from the date of this order. Further, the Respondent is directed to place the proof of the awarded amount on record with up-to-date interest, along with the calculation sheet.

18. On the facts and in the circumstances of this case, we find it just and proper to Award the compensation as mentioned below:

Name of Applicants	Awarded Amount	Amount to be given through ECS/NEFT	Amount to be invested under the Fixed Deposit.
Applicant No.1 Mohd Nasir Mohd Alijan Shaikh	Rs 5,00,000/- (Rs. Five Lakh) + proportionate Interest.	Rs 50,000/- + Proportionate Interest.	The balance of Rs 4,50,000/- (Rupees Four Lakh Fifty thousand only) shall be invested in the shape of FDR in his name in any Nationalized Bank near his place of permanent residence for 3 (three) years. The Applicant No. 1, father of the deceased, shall be at liberty to receive interest occurring on FDR from time to time according to his convenience. The bank, upon maturity of the said FDR period,

			shall release the FDR amount along with interest, if any, into the savings bank account of the Applicant No. 1, father of the deceased.
Applicant No.2 Miss. Heena Nasir Shaikh	Rs 2,00,000/- (Rs. Two Lakh) + Proportionate Interest.	Rs 20,000/- + Proportionate Interest.	The balance of Rs 1,80,000/- (Rupees One Lakh Eighty thousand only) shall be invested in the shape of FDR in her name in any Nationalized Bank near her place of permanent residence for 3 (three) years. The bank, upon maturity of the said FDR period, shall release the FDR amount along with interest, if any, into the savings bank account of the applicant no.2, the sister of the deceased.
Applicant No.3 Master. Arbaz Nasir Shaikh	Rs 1,00,000/- (Rs. One Lakh) + Proportionate Interest.	—	Amount of Rs. 1,00,000/- (Rs. One Lakh) only along with accrued proportionate interest shall be deposited in Fixed Deposit in the name of the Applicant No. 3 till attaining the age of maturity under the guardianship of father i.e. the Applicant No. 1 or for the period of 3 (three) years, whichever is later. Upon Maturity, the Bank shall release the FDR amount along with interest, if any accrued into saving Bank A/c of the Applicant No. 3.

19. The Applicant(s) is/are hereby directed to furnish the particulars of his/her/their savings bank account of a Nationalized Bank *near to his/her/their permanent place of residence* along with a copy of Aadhar Card, PAN card, two photographs, specimen signature and passbook of the bank with the necessary endorsement of the bank that no debit card/Cheque book has been issued, with the Registry of RCT/Mumbai. The Applicant(s) is/are directed to produce a copy of the order passed by the Tribunal before the concerned bank, whereupon the bank is directed to make an endorsement on the passbook.

20. The Registry is directed to defer the disbursement of the award amount till the passbook of the savings bank account of the claimant(s) in a bank near the place of//their permanent residence is not produced along with the necessary endorsement.

21. The Registry is further directed to ensure that the statement containing the FDR number/FDR amount/date of maturity and maturity amount shall be furnished by the Bank to the claimant(s).

22. Further, we deem it proper to direct the concerned bank that:

(a) The Bank shall not permit any joint name to be added to the savings bank account or fixed deposit amount of the claimant(s), i.e., the savings bank account of the claimant(s) shall be an individual bank account and not a joint account.

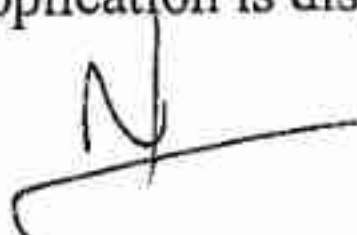
(b) The bank shall not issue any Cheque book and debit card to the claimant(s). However, in case the debit card or Cheque has already been issued, the bank shall cancel the same before the disbursement of the awarded amount.

(c) No loan, advance, withdrawal, or premature discharge is allowed on a fixed deposit without the permission of the court.

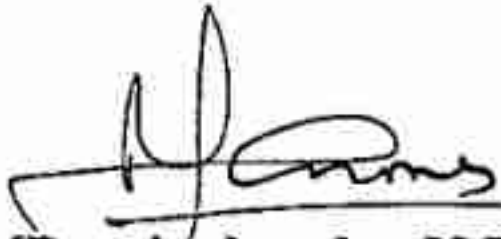
(d) The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no Cheque book and/or debit card has been issued.

(e) The statement containing the FDR number/FDR amount/date of maturity, and maturity amount shall be furnished to the claimant(s).

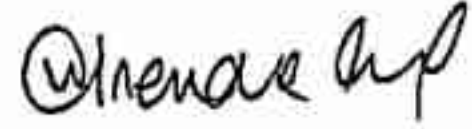
23. The Registry is directed to send a free certified copy of this judgment directly to the Respondent and the Applicant(s) at//their postal address mentioned in the claim application by Registered A.D. because of Rule 34(3) of the Railway Claims Tribunal (Procedure) Rules, 1989. In terms of the above, the present claim application is disposed of.



24. ADR/RCT-Ahmedabad is directed to send the original file along with the judgment in a sealed cover to the RCT-Mumbai Bench.



[Pravinchandra N Parmar]
Member (Technical)



[Virendra Kumar Goyal]
Member (Judicial)

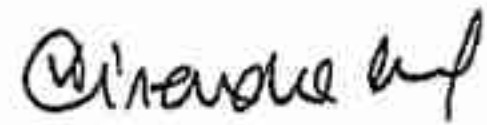
The judgment was pronounced and signed today, i.e., on 23.12.2025.

Place: Ahmedabad

Date: 23.12.2025.



[Pravinchandra N Parmar]
Member (Technical)



[Virendra Kumar Goyal]
Member (Judicial)