

रेल दावा अधिकरण, नागपुर पीठ, नागपुर के समक्ष

BEFORE THE RAILWAY CLAIMS TRIBUNAL: NAGPUR BENCH, NAGPUR
QUORUM: Mrs. IVY CHARLES D'CRUZ, HON'BLE MEMBER (JUDICIAL)
ACTING AS CIRCUIT BENCH OF PARENT BENCH i.e. RCT/MUMBAI BENCH

CASE NO.-OA(IIU)/MCC/91/2020

Date of Judgement - 09.04.2026.

APPLICANTS:

1. Mr. Bachankumar Maheshprasad Tomar
Aged 54 years, Father of the deceased
Aadhar ID-933161713516.

2. Mrs. Neelam Bachankumar Tomar
Aged 50 years, Mother of the deceased,
Aadhar ID 611079284142

Residing at-Shantinagar Kalyan Ambarnath Road,
Opp. Rathod Bunglow, Ulhasnagar-3,
Thane-421002.

Mobile No.-9322366684, 7021290161.

Versus

RESPONDENT:

1. Smt. Vishwashanti Vikram Tomar
Aged -26 years, Wife of the deceased

2. Baby Dhruvi Vikram Tomar
Aged- 02 years, Daughter of the deceased,

R/at-Shantinagar Kalyan Ambarnath Road,
Opp. Rathod Bunglow, Ulhasnagar-3
Thane-421002.

3. Union of India,
Through General Manager,
Central Railway.

VALUE OF CLAIM: Rs. 8,00,000/-

Applicants by Adv. Shri P.D.Mane (joined through hybrid mode).

Respondent by Adv. Shri Md. Jamil Khan (joined through hybrid mode).

JUDGEMENT

- 1) As per order of Hon'ble Chairman/RCT/Delhi, after taking the consent of both the counsels, Additional Registrar/RCT/Mumbai sent this file for hearing through hybrid mode to RCT/Nagpur Bench to act as Circuit Bench of parent Bench i.e. Mumbai Bench. Hence the matter was listed for hearing on 07.04.2026 and after hearing of the arguments from both the sides, the matter is decided on merit of the case.
- 2) The applicants have filed this claim application seeking compensation on account of death of Shri Vikram B Tomar during his alleged train journey on 27.09.2019 under Section 16 of the Railway Claim Tribunal Act, 1987.
- 3) Applicants have filed this original application and contended in their claim application that on 27.09.2019 the deceased had to go from Thane to Ulhasnagar Rly. Stn. for going towards his home and boarded in a local train. When the train halted and restarted at 21.20 hrs. from Thakurli Rly. Stn. from platform no.1 one person namely Mohammad Ibrahim Iqbal Shaikh violently attacked the deceased and pulled his mobile forcefully with the intention to commit robbery of mobile and in this process the deceased accidentally fell down from the running train on the platform. The police arrested the accused and the deceased was taken to the hospital for his medical treatment but during his treatment he died on 02.10.2019 due to the injuries sustained by him in the incident. The deceased was having a valid second class railway ticket but it was misplaced because of the said incident.
- 4) Respondent railway appeared and filed its written statement and denied its liability. Respondent denied the bonafide passenger status of the deceased as no ticket was recovered from the body of the deceased and also denied the untoward incident and further submitted that the deceased while trying to catch his mobile thief/robber, the deceased tried to alight from the running train at Thakurli Rly. Stn. and fell down and the said incident does not come within the meaning of untoward incident and it can be termed as self-inflicted injury/suicidal case and conduct of deceased herself which disentitles applicants to claim compensation. While denying



all the averments of the applicants as made in the claim application either being wrong or for want of knowledge, it is averred that the applicant is not entitled to any compensation. With these averments, a prayer is made to dismiss the claim application with costs.

Based on the pleadings of the both the parties following issues were framed for adjudication:-

1. Whether the applicants are the dependents of the deceased within the meaning of Section 123 (b) of the Railways Act?
2. Whether the deceased was a bona fide passenger of the train in question on the relevant day with valid journey ticket?
3. Whether the death of the deceased had occurred as a result of an untoward incident as alleged in the claim application within the meaning of section 124-A r/w 123 (C)(2) of Railways Act?
4. To what order/relief?
- 5) Applicant No.1, Bachankumar Maheshprasad Tomar appeared in the witness box as AW-1 and deposed on oath. The documents Exh.A-1 to A-11 were marked on behalf of the applicants. The applicants had been duly cross examined by the Counsel for the Respondent. No witness appeared from the Respondent side. Respondent filed DRM report along with these number of documents as prepared during the course of such enquiry.
- 6) Heard the Ld. Counsels for both the parties and carefully perused entire material placed on record. My findings on the issues involved are as under:

ISSUE No.1:

- 7) The applicants No.1 and 2 are the parents of the deceased and respondent no.1 and respondent no.2 are the wife and minor daughter of the deceased. The



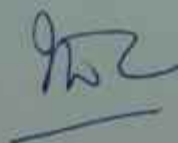
applicants have filed on the record the copies of Ration card, Aadhar card of deceased, aadhar card of applicant no.1, PAN card of applicant no.1, death certificate of the deceased and a notarised affidavit of the wife of the deceased on record wherein it is mentioned that the wife of the deceased is foregoing her share and her daughter's share of compensation from the present claim application. However, the said notarized paper is not valid and the wife of the deceased and daughter are still the legal wife & daughter of the deceased and as such, they both are the Class I legal heirs of the deceased. As per Section 123 (b) of the Railways Act, 1989 and they are entitled for the compensation. On perusal, these documents prove the relationship between the applicants and the deceased. During the proceedings, no other person staked claim as dependents of the deceased. Even Railway has failed to dispute *inter se* relation of applicant no.1 and 2 & respondent no.1 and 2 and their relationship with the deceased. Thus, it is held that the applicant no.1 and 2 & respondent no.1 and 2 are the dependents on the deceased within the definition of Section 123 (b) of the Railways Act, 1989. Hence, issue No.1 is answered accordingly in favour of the applicants.

ISSUE No. 2 & 3:

8) Both these issues being inter-connected are being taken up together for discussion and decision.

9) It is the case of applicants that the deceased was travelling from Thane to Ulhasnagar Rly. Stn. on the day of incident in a local train and was travelling in the said train as a bonafide passenger but due to the happening of alleged incident the ticket of the deceased was lost. In support of their claim, AW-1, Bachankumar Maheshprasad Tomar has stepped in the witness box and filed his affidavit stating that the deceased was a bonafide passenger but the ticket was lost due to the happening of the alleged incident. He also stated that the same facts in his affidavit.

9.1 The respondent Railway in their written statement have denied the bonafide status of the deceased of the train as no ticket was recovered from the deceased during the course of investigation. However, the applicant AW-1 has filed his



affidavit and on oath has stated in the affidavit that the deceased had purchased the valid railway ticket but it was lost due to the happening of incident. During cross examination Respondent Counsel has failed to extract anything from the applicants in their favour.

9.2 At this juncture, I would have to rely upon the Judgment of Hon'ble Supreme Court in Rina Devi v/s Union of India case in para No. 17.4 held that:-

"We thus hold that mere presence of a body on the Railway premises ill not be conclusion to hold the injured or deceased was bonafide 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 claimant which can be discharged by filing on 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."

9.3 So, in the light of above judgement, the applicants have discharged the initial onus about bonafide passenger status of the deceased. Also, it is not unusual that journey ticket may be is lost during the happening of untoward incident. Moreover, respondent has not produced any documentary or other evidence against the above point emanated during the cross examination of AW-1. Also, no witness was examined by the Respondent to show that the deceased was not a bonafide passenger. Nothing contrary has been shown on behalf of the respondent railway. Keeping in view the above, it is concluded that the deceased was a bonafide passenger of the alleged train. Hence, this issue regarding the bonafide of the deceased is decided in favour of applicants.

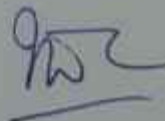
10) So far as the factum of occurrence of untoward incident is concerned, as per the First Information Report (Exh.A-7) filed by the Respondent it is mentioned that on 27.09.2019 at around 20.55 hrs. one person had fallen down from the running Ambemath Slow local train on the platform no.1 of Thakurli railway station and the said person was seriously injured. And accordingly the on duty Police officials have given the information to the Railway Police station.



10.1 AW-1 has mentioned in the claim application that the deceased while travelling in a local train from Thane to Ulhasnagar railway station by a local train had accidentally fell down from the running train when he was trying to catch his mobile thief who violently attacked him at Thakurli railway station due to which he was seriously injured and died while taking medical treatment at the hospital. The facts regarding the travel of the deceased in a local train was also mentioned by AW-1 in his cross examination as well as in his affidavit. Further, Form No.2 filed by Respondent also mentioned in column 2 "Nature of the untoward incident-Fallen down due to travelling on foot board of Local." In DRM report also it is stated that the deceased was travelling in the local train and during his journey he accidentally fallen down from the said running train and sustained serious injuries to his head due to which he died while undergoing his medical treatment. This itself corroborates with the contention of the applicants that the deceased was travelling in a train and died accidentally in the process of catching the mobile thief/robber who snatched the phone of the deceased from his hands while he was travelling in the local train. Railway also admits the conclusion drawn in DRM report that the deceased was travelling in the train and died while performing his journey in the said train. The intention of the deceased was to continue travel and there was no element or overact on part of the applicant which may push this case within the exceptions of Section 124 (A) of Railways Act.

10.2 No such point has been established by the Respondent counsel that deceased had either committed suicide or was run over while trespassing the railway track or he died due to any of exceptions under proviso of Section 124-A of the Railways Act. On the other hand, applicants have proved that deceased was a victim of an untoward incident and the respondents could not prove it otherwise.

10.3 There is no direct evidence about accidental fall but circumstantial and documentary evidence and statement of applicants on oath would lead to a conclusion that the deceased had accidentally died in an untoward incident. Respondent counsel has not proved anything contrary regarding the happening of untoward incident and also no witness has been examined by the respondent which could prove that the deceased had died as a result of reason other than untoward



incident. In DRM report also, it is concluded that on 27.09.2019 the deceased was travelling by a slow local train and in the process of catching the mobile thief he accidentally fell down from the running local train on the platform of Thakurli railway station and died, meaning thereby, the Railway has admitted the travel of the deceased in the said train. In absence of any cogent evidence from Respondent counsel and in the light of above discussions, it is concluded that the deceased, while travelling from Thane to Ulhasnagar Rly. Stn. had died due to falling down from a running local train while travelling in the said train and the incidence comes under the ambit of untoward incident as defined under section 123 (C)(1)(ii) of Railways Act. In the circumstances explained above and keeping in view the evidences produced before the Tribunal this case is established as an untoward incident. Accordingly, the issue is decided in favour of the applicants and respondent no.2 and 3.

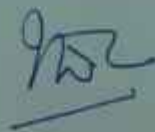
ISSUE No. 4

11) In view of my findings on issue No. 1, 2 and 3, it is held that the deceased was a bonafide passenger for his journey on the date of the incident and he had died in an untoward incident for which the applicant no.1 and 2 and respondent no.1 and 2 are entitled to get the statutory compensation for a sum of Rs.8,00,000/- (Rs. Eight Lakhs only).

ORDER

12) In the result, the O.A. is allowed on contest and merits against the respondent Railway. The Respondent Railway shall pay to the applicants no.1 and 2 and respondent no.1 and 2, a sum of Rs.8,00,000/- (Rs. Eight Lakhs only) as compensation along with interest @ 6% per annum on their compensation amount from date of incident till the date of judgement.

Accordingly, Respondent Railway is directed to deposit the awarded amount of compensation within 60 days from the date of receipt of this judgment in the Suitors money account being maintained by the Additional Registrar/Mumbai of the



Tribunal. Failing which the applicants are entitled for future interest @ 6% p.a. after 60 days till realization. The compensation amount is distributed as follows:

Name of Applicants	Compensation Amount	Disbursement of Compensation Amount	
		Cash	Annuity/ Fixed Deposit
Mr. Bachankumar Maheshprasad Tomar (Father of the deceased)	Rs. 1,00,000/-	Rs. 10,000/- + proportionate interest	Rs. 90,000/-
Mrs. Neelam Bachankumar Tomar (Mother of the deceased)	Rs. 1,00,000/-	Rs. 10,000/- + proportionate interest	Rs. 90,000/-
Smt. Vishwashanti Vikram Tomar (Wife of deceased)	Rs. 3,00,000/-	Rs. 30,000/- + proportionate interest	Rs. 2,70,000/-
Baby Dhruvi Vikram Tomar (Daughter of the deceased)	Rs. 3,00,000/-	-	F.D. Rs.3,00,000/- + proportionate interest

13) So far as disbursal of the amount of award is concerned, it is noticed that in *Geeta Devi v/s Union of India* [FAO 22/2015 & CMA 4501/2015] dated 24th May, 2019, Delhi High Court has inter alia observed that:-

"5. As Regards Amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990

1.1. Many of the claimants are drawn from rural areas with low levels of literacy and lower levels of making appropriate decision for the use of amounts guaranteed under the awards. There are several instances of their exploitation by middlemen and touts operating in the field. The scope for such exploitation is itself one of the incentives for fomenting bogus claims, fabricated documents and duplicate claims in different Benches of the Tribunal for the same cause of action. The availability of bulk funds in the name of an ill-informed claimant is also a cause for exploitation. A scheme for protection of the amount due to such a claimant is the need of the hour. Earlier, this Court has involved 21 Nationalized Banks in dialogue to evolve a scheme of annuities for disbursement of claims. They have been ordered already to be implemented in this case, vide directions passed on 22nd February, 2019.

This scheme as applied to motor accident claims has been approved by the Supreme Court in its order dated 05th March, 2019 in Krishnamurthi vs New India Insurance Company, SLP (C) No.31521-31522 of 2017. A statutory rule backing will, therefore, best serve the interest of the litigant

14) In pursuance of the orders passed by the Delhi High Court, Government of India has issued a Notification No. GSR (E) 347 dated 3rd June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, amended Rule 5 reads as under:-

"5. Mode of payment—

5.1 The Tribunal may, in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall subserve justice.

5.2 If any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian ad litem to use the interest accruals on the deposit that shall be made during the minority for maintenance.

5.3 Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursal for reasons to be stated in writing depending on the exigencies requiring liquidation of any corpus created for annuity or premature closure of fixed deposit, for the benefit of the claimant.

5.4 The orders dated 21st April, 2017, 24th May, 2019 and 6th November, 2019 of Hon'ble High Court of Delhi in FAO No. 22/2015 and CM Application No. 4501/2015 in Geeta Devi Vs Union of India, relating to disbursement of compensation shall be read as part of this Rule."

Therefore, considering factors impacting judicious use of the awarded sums, like age, marital status and level of dependency of the claimants and in compliance of Rule 5 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended vide Notification of 3rd June, 2020, in the present case, the amounts of award shall be disbursed in the following manner:-



15) The respondent railway shall deposit the awarded amount, along with 6% interest per annum, in the Sutors money account of the Tribunal maintained by the Additional Registrar/Mumbai within a period of 60 days from the date of receipt of this order. While depositing the awarded amount along with interest, the respondent railway shall send notice by registered post to the applicants with a copy of the same to the Additional Registrar and to the counsel for the opposite party giving complete details of the payment such as UTR number, calculation of interest etc.

16) 10% of the distributed share of compensation to Applicants No. 1, 2 and Respondent no.1 together with accrued interest on their share of award, shall be released forthwith by ECS/NEFT to them. For the Applicants 1 and 2, the remaining amount of Rs.90,000/- (Rupees Ninety Thousand only) each, shall be split into 18 monthly fixed deposits of Rs.5,000/- (Rupees Five Thousand only) each and invested for a period of 1 to 18 months in ascending order. For Respondent no.1, Smt. Vishwashanti Vikram Tomar the remaining amount of Rs.2,70,000/- (Rupees Two Lakhs Seventy Thousand only), shall be split into 27 monthly fixed deposits of Rs.10,000/- (Rupees Ten Thousand only) each and invested for a period of 1 to 27 months in ascending order. The bank shall release the amount with accumulated interest upon maturity of each of these deposits to the credit of the respective Savings Bank accounts of the applicant No.1, 2 and Respondent No.1 near the place of their residence.

In case of respondent no.2, who is the minor daughter of the deceased who unfortunately lost her father at a very young age. To protect the interest of respondent no.2, the compensation amount of Rs.3,00,000/- (Rs. Three Lakhs only) with proportionate interest shall be kept in fixed deposit for the period up to the date on which the respondent no.2 attains her majority. However, the respondent No. 01, being the natural guardian, shall have the liberty to withdraw interest accrued every quarterly from the fixed deposits of respondent no.2 to meet out her requirements. The maturity amount of F.D. of respondent no.2 shall be transferred to her Saving Bank accounts without seeking any intervention from tribunal.



17) The dependents are hereby directed to submit details of their individual Bank accounts of a nationalized Bank situated near the place of their residence to the Additional Registrar of the Tribunal personally.

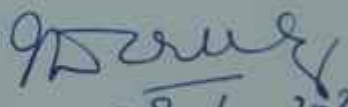
18) If the Applicants are entitled to exemption of deduction of TDS, they shall submit Form 15-G or Form 15-H (for senior citizen) to the Presenting Officer of the Railway within 15 days from the date of this order and in such case no TDS is to be deducted by the respondent railway.

19) In pursuance of Rule 5.4.4 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended by GSR 347 (E) dated 03.06.2020, following conditions are imposed in respect to the fixed deposits:-

- (i) The Bank shall not permit any joint name(s) to be added to the applicant's savings account or fixed deposit account.
- (ii) No loan, advance, withdrawal or pre-mature discharge be allowed from the fixed deposit without permission of the Tribunal.
- (iii) The Bank shall not issue any cheque book and/or debit card to the applicants. However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount.
- (iv) The bank shall make an endorsement on the passbook of the applicants to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Tribunal and the applicant shall produce the passbook with the necessary endorsement before the Additional Registrar of the Tribunal.

20) The application is allowed in the above terms with no order as to costs.

21) ADR/NGP is directed to keep a copy of the order for record and send the file to RCT/Mumbai.


09.4.2026
(Smt. I.C.D'Cruz)

Member (Judicial)

Acting as Circuit Bench of parent Bench
i.e. RCT/Mumbai Bench.

Nagpur

Date: 09.04.2026.