



रेल दावा न्यायाधिकरण पटना
RAILWAY CLAIMS TRIBUNAL, PATNA

No. OA(IIu)/PNBE/278/2023

CORAM: Shri Ram Babu Sharma, Hon'ble Member (Judicial)

Shri Shiv Kumar Prasad, Hon'ble Member (Technical)

Date of Registration: 25.07.2023

Date of decision: 13.01.2026

1. Ful Kumari Devi, W/o Late Anil Kumar Singh @ Anil Kumar @ Anil Singh
2. Piyush Raj, S/o Late Anil Kumar Singh @ Anil Kumar @ Anil Singh
3. Rishav Raj @ Rishabh Raj, S/o Late Anil Kumar Singh @ Anil Kumar @ Anil Singh
4. Ramchandra Singh, S/o Late Devnandan Singh

All R/o Vill : Pipraura,

P.O.: Sikandarpur, P.S.: Madanpur,

Dist: Aurangabad,

Bihar. 824103

... Applicant/s

Versus

Union of India,

Through the General Manager,

Western Railway, Mumbai

... Respondent

Claim for ₹ 8,00,000/- with interest.

Appearances:

Shri U.P. Mandal

Shri Radhika Raman

Ld. counsel for the Applicant

Ld. counsel for the Respondent

U.P. Mandal

Radhika Raman

JUDGEMENT

1. The claim application has been filed by Ful Kumari Devi and Others before this Tribunal, under Section 16 of the Railways Claims Tribunal Act, 1987, for the payment of compensation of ₹ 8,00,000/- (Rupees Eight Lakh only) along with interest on account of death of Anil Kumar Singh @ Anil Kumar @ Anil Singh (hereinafter referred to as "**the deceased**"), allegedly in an untoward incident.
2. The brief facts of the case as stated by the applicants are that on 29.08.2014, the deceased Anil Kumar Singh @ Anil Kumar @ Anil Singh purchased a valid 2nd class express ticket from Ahmedabad to Gandhi Dham in presence of **Vimal Kumar Singh** (relative of the deceased) and boarded train no. 4311 (Bareilly Bhuj AL Hazarat Express). Due to heavy rush in the said train, the deceased was compelled to stand near the gate from inside of the bogie. Due to intense jostling amongst the passengers near the gate of the bogie, the deceased accidentally fell down from the moving train between PF no. 2 and Signal no. 121 of Ahmedabad station near point no. 335 about 200 feet from KM 496/154. After post- mortem the dead body of the deceased was received by Dhananjay Kumar Singh (cousin of the deceased) for last rites. A U.D. case no. 150/2014 dated 29.08.2014 was registered at GRP, Ahmedabad. The said journey ticket was lost in the incident.
3. The learned counsel for the respondent contested the OA and filed a written statement wherein it was stated that O.A. filed by the applicant is not maintainable either on facts or on law. The applicants are not entitled to claim any compensation. The Para- 10. a,b,c,d,e are reproduced below:-

" a. That no valid Railway Ticket or authority is recovered from the possession of the deceased in inquest report.

b. That the applicant got injured by his own fault by crossing railway track negligently in which respondent cannot be responsible.

c. That applicant must proof that victim has purchased true (valid) ticket and witnessing the same by the Co- passenger as claimed.

- d. That there is no eye witness to the whole story. No person has seen the deceased boarding the said train, neither any person saw him falling from the said train.
- e. That the victim got injured/ hit by unknown running train while unauthorizedly crossing the Railway Track. "

(Reproduced in Verbatim)

4. Based on rival pleadings, the Tribunal framed the following issues for adjudication on 27.09.2023 in terms of Section 21 of the Railway Claims Tribunal (Procedure) Rules, 1989:-

- " 1. क्या मृतक प्रश्नगत रेलगाड़ी का सद्भावी यात्री था?
2. क्या मृतक की मृत्यु से सम्बन्धित घटना रेल अधिनियम 1989 की धारा 123 (c) (2) संपठित धारा 124- ए के अर्न्तगत परिभाषित अनपेक्षित घटना की परिधि में आती है।
3. मृतक के आश्रित कौन- कौन हैं?
4. आश्रितगण किस उपशम को प्राप्त करने के अधिकारी हैं? "

5. In support of the claim, the applicant had filed the copy of police memo (Exhibit: A-1), copy of station memo (Exhibit: A-2), dead body panchanama (Exhibit: A-3), copy of panchanama of place of occurrence (Exhibit: A-4), copy of inquest panchanama forma (Exhibit: A-5), copy of dead body challan (Exhibit: A-6), copy of post- mortem report (Exhibit: A-7), copy of Sub-division report (Exhibit: A-8), copy of Sub division Magistrate Ahmedabad (Exhibit: A-9), copy of death certificate (Exhibit: A-10), photo copy of family certificate (Exhibit: A-11) and photocopy of Aadhaar card (Exhibit: A-12) along with the claim application.
6. **Ful Kumari Devi** (applicant no. 1) and **Bimal Kumar Singh @ Vimal Kumar Singh** appeared before this Tribunal as AW-1 and AW-2. Both submitted their affidavit in examination-in-chief and were cross- examined by **Shri Radhika Raman, Ld. Counsel for the Respondent** on 28.08.2024.
7. The Respondent filed the statutory DRM's Report along with supporting documents, collectively marked as Ext. R1, but opted not to adduce any oral evidence.

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DECISION WITH REASONS

8. Heard the arguments of both the parties and perused the evidence on record. Our findings on the issues are as under:-

Issue No. 1 & 2:-

Since these two issues are interlinked, they are being taken up together.

9. Let us quote the provision of section 123(c) (2) of the Railways Act, 1989, which reads as "Untoward incident" means :-

"The accidental falling of any passenger from a train carrying passengers."

Thus, from the above provisions, it is clear that three ingredients are necessary to prove "Untoward incident" i.e., (1) Deceased must be passenger (2) There must be accidental falling from train (3) Train from which, such accidental falling occurred, must be train carrying passengers.

AND

It is also essential to establish that the facts of the case do not fall within the exceptions provided under the proviso to Section 124-A of the Railways Act, which stipulates that no compensation shall be payable by the railway administration if the death or injury of a passenger is caused due to—

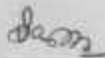
suicide or attempted suicide,

self-inflicted injury,

the passenger's own criminal act,

any act committed in a state of intoxication or insanity, or

natural causes, disease, or medical/surgical treatment unless such treatment becomes necessary due to injuries sustained in the untoward incident.



10. The **Panchanama** of the place of occurrence/ spot is available on record. A perusal of the **Panchanama** reveals that **no journey ticket was recovered from the spot**. It has been asserted in the claim application that **the journey ticket was lost in the said incident**.

11. **Therefore**, this issue will be decided considering all the relevant facts and attending circumstances as per ratio of Hon'ble Supreme Court in the case of **Civil Appeal No. 4945 of 2018** dated 09th May 2018, **Union of India vs. Rina Devi**, where it was held:-

"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."

12. Ful Kumari Devi (applicant no. -1) AW-1, during the course of her cross-examination, categorically admitted that she had not witnessed her husband either purchasing the journey ticket, boarding the train, or falling from the said train. Further deposed that only two things were recovered from her husband i.e. voter I'd card and a diary. In view of the said admission, it stands conclusively established that Ful Kumari Devi (applicant no. -1) AW-1, is not an eyewitness to any of the material facts in issue, namely the purchase of the journey ticket, the act of boarding the train, or the alleged incident of falling therefrom. Her deposition is purely hearsay in nature and therefore, lacks probative value and is not admissible as substantive evidence in the eyes of law.

13. It has been averred in the claim petition that the deceased purchased a journey ticket in presence of **Vimal Kumar Singh** (relative of the deceased). In order to substantiate the averments made in the claim petition, the claimants produced **Vimal Kumar Singh** as AW-2 before this Tribunal, who entered the witness box and tendered his deposition. During the cross-examination of AW-2, Vimal

Kumar Singh, categorically deposed that his written statement was not recorded anywhere. " मेरा लिखित बयान कहीं नहीं हुआ है। "

AW-2, Vimal Kumar Singh filed his affidavit in evidence. He stated in para- 5 of the affidavit :-

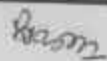
"(5) यह कि दिनांक 29.08.2014 का मेरे फुफा अनिल कुमार सिंह अहमदाबाद रेलवे स्टेशन से गाँधीधाम रेलवे स्टेशन तक, वैध रेल यात्रा टिकट मेरे समक्ष खरीदकर ट्रेन सं. 4311 (बरेली भूज एल एक्सप्रेस) अप पर सवार होकर यात्रा कर रहे थे। मेरे फुफा अपने चचेरे भाई संजीत कुमार सिंह से मिलने गाँधीधाम जा रहे थे। "

14. Learned Counsel for the respondent argued that the present OA is not the first proceeding; an earlier OA bearing No. OA/IIU/583/2015 was filed on the same cause of action. The said OA was **dismissed as withdrawn with liberty to file afresh** only due to a **technical defect**, i.e., impleadment of W.C. Railway instead of W. Railway. In the earlier OA (OA/IIU/583/2015), the applicant **did not disclose** the name of Vimal Kumar Singh as an eyewitness to the alleged purchase of the journey ticket. Ful Kumari Devi, wife of the deceased and applicant, had filed her **affidavit of evidence** in the earlier OA, wherein also no reference was made to Vimal Kumar Singh. The non-disclosure of this alleged eyewitness in the earlier proceedings is **fatal to the credibility** of the present claim.

In the present OA, Vimal Kumar Singh has been examined as AW-2, for the first time, without any explanation for his earlier non-mention. The sudden introduction of AW-2 clearly indicates an **afterthought** and an attempt to **fill up lacuna**.

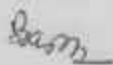
Therefore, the learned counsel for the respondent vehemently argued that the testimony of AW-2 Vimal Kumar Singh is **unreliable and untrustworthy** and deserves to be rejected.

15. Upon perusal of the documents on record, it emerges that Rajiv Kumar (the cousin brother of the deceased), who identified the dead body in his statement dated 21.09.2014 recorded by the Ahmedabad Railway Police, made no mention of Vimal Kumar Singh, the alleged eyewitness to the purchase of the journey ticket. Further, the statements dated 21.09.2014 of Ramchandra Singh (father of the deceased) and Ful Kumari Devi were also recorded, wherein there is likewise no reference to the alleged eyewitness, Vimal Kumar Singh. The statements of Sushil Kumar Singh



(brother of the deceased) and Sanjit Kumar (cousin brother of the deceased) given to the Ahmedabad Railway Police station are available on record wherein also there is no mention of purchasing of the journey ticket in presence of alleged Vimal Kumar Singh. Moreover, there is no evidence on record of his presence during cremation of the dead body of the deceased even when he was then allegedly in Ahmedabad and witnessed the deceased purchasing the journey ticket. The above facts indicate that on the day of incident he was not there in the vicinity of Ahmedabad. Thus, the presence and credibility of Vimal Kumar Singh as an eyewitness to the purchase of the journey ticket are not established from the contemporaneous record and stand seriously doubtful.

16. As per the verdict of the Hon'ble Apex court, each case has its own peculiar facts and circumstances and there cannot be any straight jacket formula wherein the mere filing of an affidavit stating that the affiant witnessed the deceased purchasing a ticket and boarding a train would conclusively decide the case. A singular point (or few aspects individually) may support a particular thing or happening but to arrive at a right conclusion cumulative effect of all the relevant facts and circumstances in a given case are to be seen for judicious adjudication.
17. The rules of appreciation of evidence are implicitly clear that the witness if he is reliable, his evidence is to be read without corroboration and in case the witness is partly reliable and partly unreliable, then the Court has to seek corroboration and if the witness is wholly unreliable, no corroboration is required.
18. In the absence of reliable evidence regarding the purchase of a valid journey ticket, the applicants failed to establish bona fide passenger status, which is a mandatory requirement under the Railways Act. The applicants were not able to discharge their initial burden of establishing that the deceased was a bona fide passenger. Thus, the onus could not be shifted to the Respondents. Therefore, we do not find that the deceased was a bona fide passenger travelling with a valid ticket. Thus, the bona fide status of the deceased is not proved.



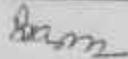
19. A memo issued on 29.08.2014 at 07:20 hrs. mention:-

"टावर केबिन के कार्यकर्ता स्टेशन मास्तर श्री डी.डी. परमार ने जानकारी दी है कि प्लेटफॉर्म नं. 2 ओ का स्टार्टर सिग्नल के पास एक अज्ञाना आदमी मृत हालत में पड़ा है। इसने ये जानकारी 19012 के शॉटिंग स्टाफ को दी है (प्रमोदभाई)"

(Reproduced in verbatim)

As such, the memo does not mention falling from any train.

20. The death Panchanama is on record wherein SI No. 12 mention "मरनेवाला शख्स कोई भी गाड़ी के नीचे आ जाने से शरीर में गंभीर चोट लगने से मर गया वि. बाबत". Further, remarks in SI No. 16 of dead body challan mention " मरनेवाला शख्स गाड़ी के नीचे आ जाने से सिर में गंभीर चोट लगते ही मर गया हो परंतु निश्चित कारण जानने पी. ऐम. के लिए हम पंचो आप पोलीस का अभिप्राय है। "
21. A report of Ahmedabad police addressed to Sub- divisional Magistrate east division, Ahmedabad town is placed on record in which it has been mentioned that at the place of incident where Panchanama was conducted no any material was recovered from the deceased. After post- mortem the dead body of the deceased was taken by the uncle of the deceased Dhananjay Kumar Singh for the last rites. Further, it has been mentioned that based on the statements of near relatives it appeared that death of the deceased happened due to falling from a train and due to being hit (चपेट) of a train. From the above report, it is clear that no ticket was recovered from the possession of the deceased. The opinion of the police regarding falling from the train is based on hearsay and there is no eye-witness. In absence of any cogent evidence, the opinion of the police regarding falling from any train cannot be relied upon.
22. An important document on record, is the post- mortem report, which holds significant relevance in determining the actual cause of death and assessing whether the injuries sustained by the deceased





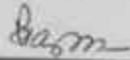
are consistent with a fall from a running train? The Post Mortem examination was conducted on 29.08.2014 at 02:00 PM. As per the post-mortem report Multiple # of skull bone with skull base, crush injury on neck, neck shoulder is crushed ruptured. The cause of death is shock and hemorrhage due to crush injuries over body.

As per medical jurisprudence, most often crush injury and such grievous injuries happen when part of the body is squeezed between two heavy objects or hit head-on against a heavy moving object. Thus, the findings in the post mortem report also do not support the case of accidental falling from a train rather it suggests getting hit or run over by some running train.

23. The investigation report annexed with statutory DRM report conclude:-

“ घटना की विस्तृत जाँच तथा जाँच के विश्लेषण से यह स्पष्ट हुआ है कि मृतक के पास से पुलिस द्वारा कोई यात्रा टिकट या यात्रा अधिकार पत्र कब्जे नहीं लिया गया है और ना ही पंचनामा में इसका कोई उल्लेख किया गया है से यह प्रमाणित है कि मृतक यात्री नहीं था जो कि अनाधिकृत रूप से रेल परिसर में प्रवेश करने के पश्चात उसके साथ घटित अप्रिय घटना का कोई प्रत्यक्षदर्शी और घटना के घटित होने के कारण का कोई ठोस सबूत न होने से यह स्पष्ट नहीं हो सका है कि अनिल कुमार सिंह के साथ घटना कैसे और किस कारण से घटित हुई थी।”

24. In our considered opinion, in the absence of the *bona fide* of the deceased as a passenger being established and due to facts and circumstances as discussed above, the untoward incident did not occur in the meaning of Section 123 (c) (2) of the Railways Act, 1989. Under Section 124-A of the Railways Act, the dependents of a deceased person would be entitled to claim compensation only when it is established that the death of the deceased was due to an untoward incident. The expression “untoward incident” is defined in Section 123 (c) of the Railways Act, 1989 as including the case of accidental fall of any passenger from a train carrying passengers. The applicant is, therefore, required to establish that the deceased was a passenger, which is a mandatory





requirement for claiming compensation and the deceased had an accidental fall from the passenger train amounting to an untoward incident, which the applicant failed to prove in the instant case.

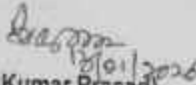
25. For the reasons discussed and stated above, we are of the considered view that the bona fide status of the deceased is not proved and death of the deceased does not fall within the scope of an untoward incident as defined under Section 123(c)(2) of the Railways Act. Accordingly, issue number 1 and 2 are decided against the applicant.

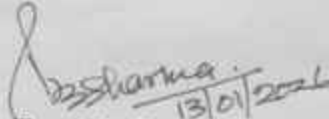
Issue No. 3 & 4:

26. In the light of findings on the issues No. 1 & 2 above, wherein it is held that the deceased was not a bona fide passenger of the train in question nor met with the alleged untoward incident, any further discussion on the issue no. 3 & 4 of dependency and compensation will be a redundant exercise.

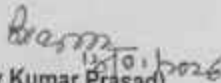
ORDER

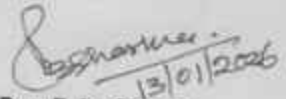
27. That the applicants are not entitled for any compensation and the claim application of the applicants being devoid of merits is dismissed on contest with no order as to costs.
28. Copy of this order be supplied to both the parties free of costs, and the file, after its due completion, be consigned to the Record Room.


(Shiv Kumar Prasad)
Member (Technical)
RCT Patna
13.01.2026


(Ram Babu Sharma)
Member (Judicial)
RCT Patna
13.01.2026

The Judgment has been signed and pronounced in the open court today i.e. on 13.01.2026


(Shiv Kumar Prasad)
Member (Technical)
RCT Patna
13.01.2026


(Ram Babu Sharma)
Member (Judicial)
RCT Patna
13.01.2026