

2025 LiveLaw (SC) 986

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

ARAVIND KUMAR; J., N.V. ANJARIA; J.

SPECIAL LEAVE PETITION (C) No. 19549 OF 2024; October 8, 2025

RAJNI AND ANOTHER *versus* UNION OF INDIA AND ANOTHER

Railways Act, 1989 - Section 124A – Untoward Incident – Compensation – Proof of Bonafide Passenger Status- Evidentiary Burden - Hyper Technical Approach – Welfare Legislation – Held, the Supreme Court set aside the concurrent findings, allowed the appeal in part, and directed the Railways to pay compensation of Rs. 8,00,000/-- Initial burden on the claimants to prove the deceased was travelling in the train was discharged by the sworn statement of the deceased's wife and reliance on the Divisional Railway Manager (DRM) which, *inter alia*, indicated the deceased was traveling and had fallen from the train, sustaining fatal injuries, which the High Court itself found to fall under 'untoward incident' - Initial burden on the claimant can be discharged by filing an affidavit of relevant facts, upon which the burden shifts to the Railways - Mere absence of a ticket with the deceased does not negate the claim of being a Bonafide passenger - Proceedings under Section 124A are governed by principles of preponderance and probabilities, not the standard of proof beyond reasonable doubt required in criminal trials - Once foundational facts - i. possession or issuance of a valid ticket and ii. The occurrence of an accidental fall from train - are established through credible material, it must be statutorily presumed that the victim was a *bona fide* passenger - A hyper-technical approach that frustrates the object of providing relief to victims must be eschewed - The absence of a seizure memo or inability to preserve physical evidence cannot by itself defeat a legitimate claim when the totality of circumstances supports the claimant's version - This principle shall guide all future tribunals and High Courts - **Appeal partly allowed. [*Relied on Union of India v. Rina Devi* (2019) 3 SCC 572: (2019) 2 SCC (Civ) 198; *Doli Rani Saha vs. Union of India* (2024) 9 SCC 656 (Para 11); *Kamukayi and Others v. Union of India & Others* 2023 19 SCC 116; Paras 9, 11, 12]**

[Arising out of impugned final judgment and order dated 15-05-2024 in MA No. 3451/2023 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

For Petitioner(s): Mr. N.k. Mody, Sr. Adv. Ms. Ishita M Puranik, Adv. Ms. Jigisha Agarwal, Adv. Mr. Prabuddha Singh Gour, Adv. Ms. Aniya, Adv. Mr. Praveen Swarup, AOR

For Respondent(s): Mr. Vikramjit Banerjee, A.S.G. Mr. Saransh Kumar, Adv. Mr. Saurabh Pandey, Adv. Mr. Yashraj Bundela, Adv. Ms. Rukhmini Bobde, Adv. Mr. Madhav Sinhal, Adv. Mr. Amrish Kumar, AOR

J U D G M E N T

ARAVIND KUMAR, J.

1. Leave granted.
2. This appeal, by special leave, is directed against the judgment and order dated **15.05.2024** passed by the High Court of Madhya Pradesh, Principal Seat at Jabalpur, in Miscellaneous Appeal No. 3451 of 2023. By the said order, the High Court affirmed the dismissal of the claim petition filed by the appellants under Section 16 of the Railway Claims Tribunal Act, 1987, seeking compensation on account of the death of late *Sanjesh Kumar Yagnik* in an alleged railway accident.
3. The brief facts, shorn of unnecessary details, are as under: On **19.05.2017**, the deceased is stated to have purchased a second-class ticket at Indore Railway Junction

for travel to Ujjain by train no. 12465, *Ranthambore Express*. It is alleged that due to overcrowding, he was pushed out of the running train near pole no. 15/21, within the jurisdiction of Police Station Narwar, District Ujjain, resulting in fatal head injuries. An inquest under Section 174 CrPC was registered and was closed as an accidental fall. Post-mortem report opined death due to profuse haemorrhage and shock consequent to head injury.

4. The appellants, being the widow and minor son of the deceased, filed Claim Case No. OA-IIU/BPL/96/2019 before the Railway Claims Tribunal, Bhopal, seeking compensation of 12,00,000. The Tribunal, by¹ judgment dated **16.01.2023**, dismissed the claim petition on the ground that claimants had failed to prove deceased was a *bonafide passenger*. No ticket was recovered from his person or belongings, and the photocopy of tickets (Annexure A/7) was considered doubtful as there was no seizure memo and the investigating officer was not examined. The Tribunal also noticed inconsistencies in the record regarding the place of incident.

5. The appellants preferred Miscellaneous Appeal No. 3451 of 2023 before the High Court. While accepting that the incident constituted an “untoward incident” under Section 123(c)(2) of the Railways Act, the High Court nonetheless concurred with the Tribunal’s finding that deceased was not proved to be a bonafide passenger. The appeal was accordingly dismissed on **15.05.2024**.

6. Learned counsel appearing for the appellants urged that High Court had erred in refusing compensation despite holding the incident to be an ‘untoward incident’. Reliance was placed on *Union of India v. Rina Devi*¹ and *Kamukayi v. Union of India*² to contend that mere non-recovery of ticket is not fatal, and once prima facie proof is given, the burden shifts on the Railways to disprove the said fact. It was argued that deceased had indeed purchased ticket no. L10274210 at 05:36 hours on the date of incident, as reflected in records. Further, the failure of the investigating officer to prepare a seizure memo ought not to prejudice the dependants; and on a busy corridor such as Indore–Ujjain, the Railways could have produced “best evidence” like CCTV, guard logs, or alarm-chain records. Hence, he has prayed for allowing the appeal.

7. Per contra, Ms. Rukhmini Bobde, learned counsel appearing for the respondents has supported the concurrent findings. It is submitted that no cogent primary evidence exists to establish that deceased was holding a valid ticket for the fateful journey. The photocopy produced (Annexure A/7) was neither recovered at the spot nor proved through a seizure memo or testimony of witness establish that deceased had purchased the ticket; the concerned officer was not examined; and there is no contemporaneous record of an alarm or report of a fall from the running train in that sector. In absence of *prima facie* proof of bonafide travel, compensation under Section 124-A cannot be awarded. Hence, she has prayed for dismissal of the petition.

8. We have heard the learned counsels appearing for both the parties and have given our anxious consideration to the same. At the threshold, it is be noted that interference under Article 136 would not be warranted where concurrent findings of fact have been recorded. In the instant case, on appraisal of evidence by the Tribunal and reappreciation of the same by the High Court it has been held that claimants had failed to prove that deceased had died due to the injuries sustained on account of fall from train. Unless such

¹ (2019) 3 SCC 572

² 2023 SCC OnLine SC 642

findings are shown to be perverse or to overlook such material evidence relied upon, this Court ordinarily exercises restraint.

9. The legal position is not in dispute: Section 124-A of the Railways Act, 1989 embodies a no-fault regime for “untoward incidents”, but compensation remains predicated on the victim being a “passenger”. For present purposes, Explanation (ii) to Section 124-A would be relevant in the background of same having been denied by railway authorities. It reads as follows:

“Explanation (ii) — ‘passenger’ includes a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.”

(emphasis supplied)

In **Union of India v. Rina Devi** (supra), this Court affirmed that compensation under Sections 124/124-A is payable “*whether or not there has been wrongful act, neglect or fault*” and clarified two facets namely: (i) the regime is one of strict (no-fault) liability, with exceptions confined to the proviso to Section 124-A; and (ii) mere non-recovery of a ticket from the victim’s person is not ipso facto fatal where the claimant lays a credible prima facie foundation, upon which the onus may shift to the Railways. The central inquiry, therefore, is whether the appellants had first discharged the threshold burden of proving the fact that deceased was a bonafide passenger of the Train No.12465 (Indore to Ujjain) so as to trigger any shifting of onus on the railway authorities.

10. The Appellants case solely rests on the affidavit dated 10.02.2020 filed before the Railway Claims Tribunal namely the affidavit of the wife of the deceased. She has stated in unequivocal terms that her husband late Shri Sanjesh Kumar on the date of the accident i.e., on 19.05.2017 was travelling from Indore to Ujjain by passenger train no. 12485 Ranthambore Express with ticket in second class. She has further deposed that the ticket has been seized by the Police Narwar, District Ujjain. She has also deposed that on previous day night that is on 18.05.2017 she was told by the deceased that he was going out with some work and asked for his Aadhar Card and ID proof and thereafter he left the house with his luggage. Before the Tribunal as well as before the High Court the appellants had placed reliance on Divisional Railway Manager (DRM) note dated 23.02.2019 (R/1) to contend that Police Station Narwar while forwarding the documents to the railway authorities had forwarded a railway ticket bearing no. L1027420 EX dated 19.05.2017 (Indore to Ujjain). The copy of the said railway ticket is at Annexure P-1 which was marked as Exhibit P-6 before the Railway Claims Tribunal. Thus, the initial burden which was cast on the claimants stood discharged. Infact, the High Court while reappreciating the evidence tendered before the Tribunal found that DRM report dated 26.02.2019 (R/1) revealed that at the time of accident, deceased was travelling in train and having fallen from train had sustained injuries and later succumbed to the same. In the teeth of said finding recorded, the High Court held that it established that the death would fall within the purview of ‘untoward incident’ as defined under Section 124 (A) of the Railways Act, 1989. However, while examining the issue as to whether claimants had proved deceased was a bonafide passenger, same was held in the negative on the premise that the railway ticket was not found alongwith the body of the deceased or alongwith the articles found near the body of the deceased. However, the aforesaid DRM Report dated 23.02.2019 (R/1) has recorded a finding as under: -

“Ticket Verification: - In the documents received from Police Station Narwar in relation to the incident of 19.05.2017, the train travel ticket no. L10274210 from Indore to Ujjain has been verified

by the Chief Booking Supervisor Indore on 19.05.2017 and it is stated that the said ticket was issued from Indore Station. (Document attached).”

11. This Court in the case of ***Doli Rani Saha vs. Union of India***³, has held that the burden of proof would shift to the Railways once, the Claimant-Appellant filed an affidavit stating the facts and adverting to the report arising from the investigation conducted by the railway authorities. It has been further held: -

“**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 [Union of India v. Rina Devi]*, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198], 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: (SCC p. 588, para 29) “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)

16. In the present case, the appellant had duly filed an affidavit stating the facts and adverting to the report arising from the investigation conducted by the respondent, which showed that the deceased was travelling on the train and that his death was caused by a fall during the course of his travel. The burden of proof then shifted to the Railways, which has not discharged its burden. Therefore, the presumption that the deceased was a bona fide passenger on the train in question was not rebutted.

17. Further, the report of the IO indicates the details mentioned in the post-mortem report. It states that the cause of death was due to an injury sustained on the head and that all injuries were antemortem and caused by “blunt force impact”. It also states that forty-eight to seventy-two hours had passed since the time of death.”

12. Though Ms. Rukhmini Bobde, learned Standing Counsel appearing for the Railways has made a fervent plea to contend that the finding recorded by the Tribunal with regard to the suspicious circumstances of the railway tickets relied upon is sufficient to discard the claim, we are not impressed by the said submission for reasons more than one. Firstly, the initial burden which is cast on the claimants to prove that the deceased had travelled in the train has been discharged by the sworn statement made by first claimant (wife of deceased). Secondly, the High Court by relying upon the report of DRM report (R/1) has arrived at a conclusion that death of 1st claimants husband would fall within the purview of expression ‘untoward incident’ as defined under Section 124 (A) of the Act; Thirdly, the railway ticket which formed part of the police report stood unrebutted; Fourthly, the very same report also disclosed the Chief Booking Supervisor, Indore had verified the ticket produced alongwith the report of the police and certified that ticket had been issued from Indore Station. This would clearly satisfy the requirement of the expression ‘passenger’

³ (2024) 9 SCC 656

as contemplated under Clause (ii) to Explanation to Section 124 (A) of the Act and deceased being declared as a ‘passenger’ travelling in the train. This view also gets fortified by the judgment of the coordinate bench in the case of **Kamukayi and Others vs. Union of India and Others**⁴, whereunder it has been held: -

“9. By the explanation of the said section clarifying about “passenger”, it would include a person who has purchased a valid ticket for travelling by a train carrying passengers on any date or a valid platform ticket and becomes a victim of an untoward incident.

10. This Court in *Rina Devi [Union of India v. Rina Devi, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198]* has explained the burden of proof when body of a passenger is found on railway premises. While analysing the said issue, this Court has considered the judgment of the Madhya Pradesh High Court in *Raj Kumari v. Union of India [Raj Kumari v. Union of India, 1992 SCC OnLine MP 96]* and the judgments of the Delhi High Court in *Gurcharan Singh v. Union of India [Gurcharan Singh v. Union of India, 2014 SCC OnLine Del 101]*, the Andhra Pradesh High Court in *Jetty Naga Lakshmi Parvathi v. Union of India [Jetty Naga Lakshmi Parvathi v. Union of India, 2011 SCC OnLine AP 828]* and also considered the judgment of this Court in *Kamrunnissa v. Union of India [Kamrunnissa v. Union of India, (2019) 12 SCC 391 : (2018) 5 SCC (Civ) 613]* and in para 29 concluded as thus : (*Rina Devi case [Union of India v. Rina Devi, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198]*, SCC p. 588) “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)

13. In the light of the above, we are of the considered view that the High Court had faulted in affirming the finding of the Railways Claims Tribunal whereunder the claimants petition had been rejected for nonproduction of a seizure memo of the ticket and for non-examination of the investigating officer, which is and was the main thrust of argument canvassed by the learned Counsel appearing for the Railways. This reasoning ignores the consistent judicial line that the absence of formal seizure or witness examination does not, by itself, negate bonafide travel when other material evidence substantiate the claim. Mere technical irregularities or lapses in procedure should not defeat a legitimate claim under a welfare statute, like the Railways Act, 1989. Particularly Chapter XIII which deals with liability of railway administration for death and injury to passenger due to accident. A Hyper technical approach which would frustrate the object of providing relief to victims of railway accidents should be eschewed. The insistence on a formal seizure memo would amount to importing standard of proof which normally is sought for in a criminal trial.

14. Hence, we reaffirm that proceedings under Section 124-A of the Railways Act are not criminal trials demanding proof beyond reasonable doubt, but welfare statutes are governed by the principles of preponderance and probabilities. Once the foundational facts of (i) possession or issuance of a valid ticket, and (ii) occurrence of an accidental fall from a train, are established through credible material, the statutory presumption of bona fide travel must operate in favour of the claimant. The Railways, as an instrumentality of the State, cannot defeat such claims by pointing to procedural imperfections in

⁴ (2023) 19 SCC 116

investigation or non-examination of formal witnesses. To hold otherwise would erode the beneficial character of the legislation and convert a social-justice remedy into a forensic obstacle race.

15. It is therefore declared that where an official railway inquiry or evidentiary record verifies the issuance of a ticket corresponding to the date and route of an untoward incident, such verification shall constitute *prima facie* proof of bona fide travel, shifting the evidentiary burden on the Railway Administration. The absence of a seizure memo, or the inability of the police to preserve physical evidence, cannot by itself defeat a legitimate claim when the totality of circumstances supports the claimant's version. This principle shall guide all future tribunals and High Courts in construing Section 124-A, so that the statutory right to compensation remains real, accessible, and consonant with the humanitarian purpose of the enactment.

16. In the light of the foregoing discussion, we are of the considered view that the findings of the Railway Claims Tribunal and the High Court would not be sustainable and would warrant our interference. Hence, the Judgment dated 16.01.2023 passed by the Railway Claims Tribunal Bhopal Bench in Case No. OA-IIU/BPL/96/2019 and the Order dated 15.05.2024 passed by the High Court of Madhya Pradesh at Jabalpur in Miscellaneous Appeal No.3451 of 2023 are hereby set aside and the claim petition is allowed in part and the Respondents are directed to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs) to the appellants-applicant within 8 (eight) weeks from the date of this Order, failing which the amount awarded by this Court shall carry interest at the rate of 6% per annum from the date of Order of this Court till payment. Pending applications, if any, stands disposed of.

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