



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5061/2018

Smt. Gulab Devi W/o Late Shri Ishwar Lal, Aged About 53 Years, R/o Dhani Balai, Khora Kala, Tehsil Dausa, District Dausa (Raj.)

----Appellant

Versus

Union Of India, Through The General Manager, North Western Railway, Jaipur (Raj.)

----Respondent

For Appellant(s)	:	Mr. Ajay Shukla with Mr. Raghav Sharma
For Respondent(s)	:	Mr. Arvind Kumar Pareek

JUSTICE ANOOP KUMAR DHAND

Order

19/01/2026

1. By way of filing the instant civil misc. appeal, a challenge has been led to the impugned judgment dated 10.08.2018 passed by the Railway Claims Tribunal, Jaipur Bench (for short, 'the RCT') by which the Original Application (Claim Petition) submitted by the petitioner, seeking compensation, has been rejected.

2. Learned counsel appearing on behalf of the claimant-appellant (hereinafter referred to as 'claimant') submits that son of the appellant met with an untoward incident, while travelling in the train on 10.10.2013, after purchasing a valid journey ticket. The journey commenced from Jaipur to Bhankri by a passenger train. Counsel submits that when the train was near Banganga Bridge, the son of the claimant fell down from the running train due to sudden jerk by the train and suffered



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multiple injuries and died on account of the injuries sustained on his person. Counsel submits that a claim petition under Section 16 of the Railway Claims Tribunal Act, 1987 (for short, 'the Act of 1987') read with Section 125 of the Railways Act, 1989 was submitted for getting adequate amount of compensation, i.e., Rs.6,00,000/-. Counsel submits that the learned Tribunal has rejected the claim petition submitted by the appellant on the technical count that no ticket was found in the possession of the deceased when his body was found lying on the railway track. Counsel submits that an erroneous finding has been recorded by the RCT holding that the instant case is not a case of run over, rather than the fact that the deceased has fallen down while travelling in train, hence interference of this Court is warranted.

3. In support of his contentions, counsel for the claimant has placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **Union of Indian vs. Rina Devi** reported in **2019 (3) SCC 572**.

4. *Per contra*, learned counsel appearing on behalf of the respondent opposed the arguments raised by counsel for the appellant and submitted that in the instant case when the inquest report was prepared, no valid journey ticket was found from the possession of the deceased. Counsel submits that the inquest report reveals that the body of the deceased was split into two parts and in any case whatsoever, this case cannot be treated as a case of sustaining injuries on account of falling from the moving train. Counsel submits that the instant case is a case of run over, because the dead body of the deceased was



split in two parts due to striking by another train, hence, under these circumstances, the Tribunal has not committed any error in rejecting the claim petition submitted by the claimant, hence, interference of this Court is not warranted.



5. Heard and considered the submissions made at the Bar and perused the material available on the record.

6. Perusal of the record indicates that after completion of the pleadings of both the sides, the Tribunal has framed as many as four issues and after recording the evidence of both the sides, the Tribunal came to the conclusion, while deciding the issue No.1, that the deceased was not found in possession of any valid ticket, hence, it cannot be presumed that the deceased was travelling in the train.

7. The Tribunal has recorded a finding of fact that looking to the position of the dead body on the track, which was split into two parts, it can be presumed that it is a case of run over and considering the overall facts and circumstances of the case, the claim petition submitted by the claimant has been rejected.

8. Hon'ble Apex Court, while dealing with the identical issue in the case of **Rina Devi** (supra), has held in para 29 of the judgment as under:

"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.”

9. The presumption lies with the Railway Authorities whenever any untoward incident occurs, within the Railway premises or on any railway track, unless any evidence, otherwise, is available on record. In the instant case, no such evidence has been brought on record by the railway authorities that the deceased has committed suicide or he has been struck down by another train and due to that incident his body was found lying on the railway track and on account of the said incident his body split into two parts.

10. Considering the proposition of law, as laid down by the Hon'ble Apex Court in the case of **Rina Devi** (supra), the Tribunal has committed an error in rejecting the claim petition submitted by the claimant. On this count alone, the impugned judgment dated 10.08.2018 is found to be erroneous and the same is liable to be and is hereby quashed and set-aside. The matter is remitted to the RCT to decide the same afresh, on the basis of the evidence led by both the sides. The parties are directed to appear before the Tribunal (RCT) on 16.02.2026.

12. Needless to observe that looking to the fact that the incident pertains to the year 2013, all possible endeavours would be made by the RCT to decide the claim petition expeditiously, as early as possible on the basis of the evidence led by both the sides.

13. Record, if any, received by this Court is directed to be returned expeditiously.

(ANOOP KUMAR DHAND),J

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