



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 471 OF 2016

Rekha Rupchand Singh (Deleted) & Ors.

....Appellants
(Orig. Claimants)

Versus

The Union Of India Represented
By The General Manager,
Central Railway, Mumbai CST

....Respondent
(Orig. Opponent)

Mr. Mohan Rao for the Appellant.

Mr. TJ Pandian a/w Mr. Prasad Sawant and Mr. Gautam Modanwal for
Respondent.

CORAM : JITENDRA JAIN, J.

DATED : 10th MARCH 2026

JUDGMENT:

1. This appeal filed by the original claimants challenges an order dated 5th September, 2014 passed by the Railway Claims Tribunal, Mumbai ('Tribunal') whereby the claims were rejected on the grounds that the name mentioned on the Railway Identity Card ('I.D. Card') does not tally with the name mentioned on the monthly season ticket and further relationship between deceased and claimant is not proved.

2. Insofar as "untoward incident" is concerned, the finding of the Tribunal is in favour of the original claimants. Therefore, the issue which falls for my consideration is whether the reasoning given by the Tribunal for rejecting the claims on account of the difference in the name and on account of relationship not proved is justified or not.

3. I have perused the I.D. Card and the monthly season ticket annexed to the original application. On the I.D. Card, the photograph and name of the deceased are appearing. The name written on the I.D. Card of the deceased is “Radhesyam Sen Nuwab” whereas the name on the monthly season ticket is only “Radhesham.”

4. It is important to note that the I.D. Card No.715194 is appearing on the monthly season ticket. Therefore, it is conclusively proved that the monthly season ticket was issued to the same person in whose favour the I.D. Card was issued. When a person goes at the counter to buy a monthly season ticket, the I.D. Card is shown at the ticket counter and the officer punches the name and also the I.D. Card number and issues monthly season ticket. In this case, the I.D. Card number is matching. If the officer at the counter punches only the first name and not the other names appearing on the I.D. Card, it cannot be said that the monthly season ticket was not issued to the person, in whose favour the I.D. Card has been issued. For non-punching of the full name by the officer of the respondent, the appellants should not suffer. In this connection, the observation made in paragraph 10 by the Hon’ble Allahabad High Court in the case of ***Union of India vs. Smt. Sunita Devi & Ors***¹ is relevant, which reads as under:

“10. In case the identity of a railway passenger is established by other material evidence on record like identity card which is said to be issued simultaneously along with M.S.T. ticket and statutory provisions contained in the Act empower a passenger to travel in a train, then right to claim compensation in the event of any mis-happening under the Railway Act shall not be forfeited.....”.
(Emphasis supplied). Therefore, reasoning on this count given by the Tribunal is reversed.

1 2009 SCC OnLine All 375

5. The other reason given by the Tribunal is that there is no document to prove the relationship of the deceased with the appellants. The appellants have filed various documents such as Ration Card, Election Card and others. The Tribunal ought to have considered the Election Card before giving any finding. Mr. Rao, learned counsel for the appellants, for the original claimants produces school leaving certificate of the children of the deceased. There is a doubt as to whether the same was produced or not before the Railway Claims Tribunal, Mumbai.

6. In my view, this is an important issue which requires to be re-adjudicated since the Tribunal has also not given any detailed reasoning for coming to the conclusion that the relationship has not been proved. Therefore, the matter is remanded only for adjudication of the relationship between the claimants and the deceased after considering all the documents on record which are filed by the original claimants, school leaving certificate, if not filed and any further document to be filed with the leave of the Tribunal are to be filed, to prove the relationship.

7. In view of above, the appeal is disposed of with the direction to the Tribunal to adjudicate the relationship and if found eligible, to pass appropriate orders granting compensation.

8. The original claimants shall appear before the Tribunal on 6th April, 2026 with the present order so that the Tribunal can consider fixing the date for hearing.

[JITENDRA JAIN, J.]