

FAO-4293-2017 (O&M)

2025:PHHC:044973



252 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-4293-2017 (O&M)  
Date of decision : 02.04.2025

Girraj & anr. .... Appellants

Versus

Union of India& anr. .... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Atul Bhatia, Advocate for the appellants.

Mr. Dharam Chand Mittal, Sr. Panel Counsel  
for respondent-UOI.

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**PANKAJ JAIN, J. (ORAL)**

1 Challenge is to order dated 06.02.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh dismissing the claim petition filed by the appellants seeking compensation on account of death of Satish Kumar.

2 Claim petition was filed claiming that Satish Kumar died in an untoward incident dated 27.08.2013 after he fell from a passenger train travelling from New Delhi to Rundhi Railway Station. As per the claimants the deceased was travelling on a Monthly Season Ticket (MST) valid from 17.08.2013 to 16.09.2013. He boarded train from New Delhi Railway Station. Owing to heavy rush he fell from the train due to a jerk in between Palwal and Rundhi. He sustained multiple injuries and died on the spot.



3 Claim petition was contested by Railways questioning the maintainability of the claim petition claiming that the deceased was neither a bonafide passenger nor was victim of any untoward incident as contemplated under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989 (for short 'the 1989 Act'). On the basis of the pleading Tribunal framed the following issues :-

- “1. Whether the deceased was a bonafide passenger of train at the time of incident?*
- 2. Whether the alleged incident is covered within the ambit of Sec. 123(c)(2) read with Section 124-A of the Railways Act?*
- 3 Whether the applicant(s) is/are the sole dependent(s) of the deceased?*
- 4. Relief.”*

4 Tribunal held that though recovery of MST from the personal search of the deceased was proved, however, the same does not bear the signatures of the holder and the season ticket will not be valid unless it bears the signatures or left thumb impression of the holder. The Tribunal held that the claimants proved that the deceased was travelling on MST and was a bonafide passenger. However, on the issue of untoward incident it was held that since the body of the deceased was found in the middle of the track, possibility of him having been hit while walking on the Railway track is not ruled out.

5 Learned counsel for the appellants submits that the issue with respect to untoward incident is fully covered by ratio of law laid down by



Supreme Court in the case of *Union of India vs. Rina Devi, 2018 SCC*

*Online SC 507* wherein it has been observed as under :-

*“16.6 We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in **United India Insurance Co. Ltd. v. Sunil Kumar, 2018(1) RCR (Civil) 680 : 2017 (13) SCALE 652** laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor.”*

6 Counsel for the respondents though questions the death of the deceased in an untoward incident but is not in position to dispute that there is no evidence on record to prove that the injuries suffered by the deceased were self inflicted.

7 In view of above, this Court finds that the finding on issue with respect to death having been caused in an untoward incident recorded by the Tribunal cannot be sustained being in the teeth of law laid down by Supreme Court *Rina Devi's case (supra)*. The finding on issue No.2 is hereby reversed. The claim petition is allowed. Claimants are held entitled to an amount of Rs.8.00 lakhs but without interest.

8 Appeal stands allowed.

02.04.2025

*Pooja Sharma-I* Whether speaking/reasoned:  
Whether reportable:

( PANKAJ JAIN )

JUDGE

Yes/No

Yes/No