



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

224

**FAO-15957-2018  
Date of decision : 12.09.2025**

**Habiba Khatoon and others ..... Appellants**

**versus**

**Union of India ..... Respondent**

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

Present: Mr. Ujval Mittal, Advocate  
for the appellants.

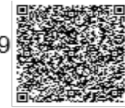
Mr. Sandeep Bhatia, Sr. Standing Counsel  
for the respondent-UOI.

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

1. This is an appeal against the order passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh dated 10.05.2018 whereby claim application of Rs.4,00,000/- on account of death of Jakir Ahmad son of Shri Jahir Ahmad in an alleged untoward incident was dismissed.

2. The facts pleaded by the claimants are that on 13.09.2015, the deceased was travelling from Ludhiana to Sirhind on a valid ticket. The train however had no scheduled stoppage at Sirhind. When the train slowed down near Sirhind railway station, his co-traveller Mohd. Asfaq managed to alight, but the deceased could not and continued his journey up to Rajpura. When the train reached Rajpura railway station and was moving at a slow speed, the deceased attempted to alight, but accidentally fell down and sustained grievous injuries and succumbed



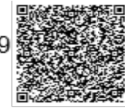
on the way to the hospital.

3. The respondent-Railways contested the claim petition denying the status of the deceased as a bona fide passenger. It was pleaded that the incident admittedly occurred at Rajpura, whereas the deceased allegedly held a ticket from Ludhiana to Sirhind. The tickets produced by the applicants were said to be procured ones. It was further argued that the applicants failed to disclose the train number and name which itself shows that a false claim petition had been filed. The documents filed were also not certified copies and hence not admissible. On these grounds, it was urged that the applicants had no locus to maintain the claim application.

4. As per the Railways in the DRM enquiry, no ticket was recovered from the person of the deceased during fard jamatalashi conducted by the GRP. The tickets subsequently produced were of travel from Sirhind to Ludhiana and Ludhiana to Sirhind, whereas the accident admittedly occurred at Rajpura yard. The discrepancy proved that the deceased was not a bona fide passenger and that the claim was false.

5. The Tribunal, after considering the material on record, dismissed the claim petition on the ground that the appellants had failed to establish the bona fide status of the deceased and that his death resulted from his own negligent attempt to alight from a moving train, which fell within the exceptions to Section 124-A of the Railways Act, 1989.

6. Learned counsel for the appellants submits that the Tribunal erred in rejecting the claim. It is contended that the deceased



did possess a valid ticket for travel. In accidental fall cases, it is common that the ticket is either lost, destroyed or not recovered. The reliance placed by the Tribunal on the absence of ticket recovery is misplaced in view of the judgment of the Hon'ble Supreme Court in ***Union of India v. Rina Devi (2018) 3 SCC 319***. Counsel further submits that minor contradictions in ticket particulars or non-mention of the exact train number cannot overshadow the fact that the deceased fell from the train and died in the course of his railway journey.

7. On the other hand, counsel for the respondent-Railways reiterates that the deceased was not proved to be a bona fide passenger. It is submitted that the tickets shown were unrelated to the journey ending at Rajpura, that the claimants had not furnished reliable evidence such as certified copies of official records. The DRM enquiry also held against the claimants. Therefore, there is no perversity in the findings recorded by the Tribunal.

8. I have heard learned counsel for the parties and carefully perused the record.

9. The limited issue requiring consideration is:-

- (i) whether the deceased was a bona fide passenger; and
- (ii) whether his death falls within the scope of an "untoward incident" under Section 123(c)(2) of the Railways Act, 1989.

10. The Tribunal discarded the claim solely on the ground of non-recovery of ticket and on the basis of alleged discrepancies in journey particulars cannot be sustained. The law laid down by the Hon'ble Supreme Court in ***Rina Devi (supra)*** makes it clear that



recovery of the ticket from the person of the deceased cannot be the sole criterion to determine his bona fide status.

11. The objection that the claimants did not mention the train number or produced uncertified documents are also vague. The testimonies of the co-traveller sufficiently establish that the deceased was travelling and fell while alighting from the train.

12. In the present case, the death of the deceased occurred due to accidental fall from a train. His act of attempting to alight cannot be termed as self-inflicted injury within the meaning of the proviso to Section 124-A. The exception is confined to cases of suicide or deliberate acts of self-harm, not to cases of negligence in boarding or alighting.

13. In view of the foregoing discussion, this Court is of the considered opinion that the Tribunal erred in dismissing the claim petition. The deceased was a bona fide passenger, and his death was the result of an untoward incident attracting the liability of the Railways under Section 124-A of the Railways Act.

14. Accordingly, the appeal is allowed. The impugned judgment dated 12.07.2019 is set aside. The appellants are held entitled to compensation of ₹8,00,000/- (Rupees Four Lakhs only) together with interest at the rate of 6% per annum from the date of filing of the claim petition till its realization.

15. Ordered accordingly.

**(PANKAJ JAIN)**  
**JUDGE**

**12.09.2025**

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No