



FAO-4619-2017 (O&M)

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4619-2017(O&M)
Date of decision :23.05.2025

Parveen & ors. Appellants

Versus

Union of India Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. Narinder Kumar Vashisht, Advocate
for the respondent-UI.

PANKAJ JAIN, J. (ORAL)

CM-13807-CII-2017

This is an application for impleadment.

For the reasons recorded in the application, the same is allowed.

Aashian is impleaded as appellant No.8.

Main case

1 Claimants are in appeal. Challenge is to the award dated 02.02.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

2 Claimants are seeking compensation on account of death of Tahsim son of Niaz claiming that he died in an untoward railway incident dated 21.09.2013 while going from Surat (Gujrat) along with Sajid and Yasin to purchase clothes. As per the claimants the deceased along with his two



FAO-4619-2017 (O&M)

accomplices came to Panipat railway station and purchased three tickets and boarded general compartment of Paschim Express train to travel back to Surat. Owing to heavy rush when the train was passing through Asawati Railway Station the deceased fell down from door of the train while washing his hands in washbasin. Co-passengers Sajid and Yasin are witness to the incident.

3 Claim petition filed by the claimants was contested by the respondent. It was denied that the deceased was travelling as a bonafide passenger. It was further claimed that injuries, if any, suffered by the deceased are due to his own negligence and criminal act.

4 On the basis of the pleadings, following issues were framed :-

“1. Whether the deceased was a bonafide passenger of the train at the time of incident?

2. Whether the alleged incident is covered within the ambit of Section 123 (c) (2) read with Section 124-A of the Railways Act?

3. Whether the applicant(s) is/are the sole dependant(s) of the deceased?

4. Relief.”

5 Tribunal dismissed the claim petition filed by the claimants holding that the case projected by the claimants is highly improbable and the tickets produced cannot be believed. The Tribunal further found that as per the case of the claimants, the 2 co-passengers of the deceased were witness to the incident yet they did not inform any one about the incident.

6 I have heard counsel for the parties and have gone through the records of the case.



FAO-4619-2017 (O&M)

7 As per the pleaded case of the claimants, the deceased died after falling from a running train and the same was witnessed by his co-passengers Sajid and Yasin. Further Yasin while deposing before the Tribunal admitted that he did not witness the deceased falling from the train. As per DRM report which has been proved on record information regarding an unknown body lying on the track was given by Shri Bitola Ram, Driver of TKD Special. This belies the version given by AW2 Yasin who claimed that after the deceased fell from the train he and Sajid shouted and made voice. Train was stopped by pulling the chain. Had the co-passengers as claimed by the claimants informed the railway authorities about the deceased falling from the train, his dead body ought not have been recovered as unknown body. The other factor that weighed with the Tribunal was that as per the claimants deceased was travelling with his 2 companions for the same destination. Deceased himself purchased three tickets. The tickets purchased were three separate tickets. If the three separate tickets were purchased for the three persons, how the three tickets were in possession of the deceased only. This fact has also remained unexplained.

8 Though in view of ration of law laid down by Supreme Court in the case of *Union of India vs. Rina Devi, 2018 SCC Online SC 507* once the claimants filed affidavit regarding the deceased being a bona fide passenger travelling on a valid ticket, onus shifts upon the railway authorities to rebut the same. However, in the considered opinion of this Court the falsity of the claim of the claimants has taken out the steam of their claim.



FAO-4619-2017 (O&M)

9 In view of above, this Court finds that the Tribunal rightly non-suited the claimants for raising a false claim and rightly dismissed their claim petition.

10 Finding no merits in the present appeal, the same is ordered to be dismissed.

11 Pending miscellaneous application, if any, also stands disposed off.

23.05.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No