



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6675-2017 (O&M)
Date of decision : 25.07.2025

Rehnuma Khatoon & ors.

..... Appellants

Versus

Union of India

.... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Upender Prashar, Advocate
for the appellants.

Mr. Ramesh Chand Sharma, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

CM-21650-CII-2017

This is an application seeking condonation of delay of 22 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 22 days in filing the appeal is condoned.

Main case

1 Challenge is to award dated 17.03.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh whereby the claim petition



filed by the claimants seeking compensation on account of death of Mohamed Nizam in an alleged untoward incident dated 21.04.2013 stands rejected.

2 As per the claimants, the deceased along with his companions boarded Tata Mori Express train from Amritsar for going to Jammu. Deceased was travelling standing near the door, when he accidentally fell from the train and suffered injuries. He succumbed to his injuries in Guru Nanak Dev Hospital on 22.04.2013. The claimants thus seek compensation on account of death of Mohamed Nizam claiming him to be a bonafide passenger who died in an untoward incident. The claim petition was contested by the respondent who denied that the deceased was a bonafide passenger. It was further claimed that no accident was noticed by guard of the train. No memo was issued and thus it is not a case of any untoward incident involving railways.

3 On the basis of the pleadings following issues were framed :-

- “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 Section 123(c) and 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 Learned counsel for the appellants does not dispute that there is no evidence on record to suggest that the deceased lost his life in an untoward incident. Respondent examined Manmohan Singh, Guard of the train as RW-1. He stated that nobody fell down from the train on the fateful



day. DRM inquiry report has been placed on record. The conclusion drawn is that no incident as alleged by the claimants occurred on 21.04.2013. There is nothing on record to suggest that any railway authority was informed of any untoward incident as claimed by the claimants. OPD slip of Punjab Health Systems Corporation has been brought on record as AW-1/8. The same does not bear any details as to who brought the deceased to the hospital. Even the death report does not mention the details of the train.

5 Counsel for the appellants has not been able to point out any piece of evidence that can link the death of the deceased to the averments made in the claim petition.

6 In the absence of any cogent evidence to prove that the deceased died on account of untoward incident while travelling as a bonafide passenger, this Court finds no ground to interfere in the present appeal and the same is ordered to be dismissed.

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

25.07.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No