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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 17th March, 2025**

+ **FAO 43/2022**

SATYA NARAYAN PRASADAppellant

Through: **Mr. Rajan Sood, Ms. Ashima Sood and Ms. Megha Sood, Adv.**

versus

UNION OF INDIARespondent

Through: **Mr. Rajesh Kumar, SPC with Mr. Rahul Kumar Sharma, Adv.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. The Appellant is preferring the instant appeal under Section 23 of the Railway Claims Tribunal Act, 1987¹ for setting aside/quashing of the impugned judgment dated 20.12.2019, passed by the Railway Claims Tribunal, Principal Bench, Delhi in Case No. OA (IIU) No. GZB/278/2017 (hereinafter referred to as '**Tribunal**'), whereby an application for compensation under Section 16 of the RCT Act, seeking compensation for death of his wife Smt. Usha Devi, aged about 32 years, was dismissed.

2. Having heard the learned counsels for the parties and upon perusal of the record, this Court unhesitatingly finds that there are no

¹ RCT



grounds to interfere with the impugned judgment passed by the learned RCT.

3. Briefly stated, the case of the Appellant/Claimant is that he was travelling with his wife on 23.05.2017 from Ambala Cantt. to Chapra by the Janseva Express Train, having purchased a composite railway ticket for both of them. It is claimed that the train was overcrowded, and as his wife began feeling unwell and started vomiting, she sat near the gate/door of the bogie. It is further alleged that when the train crossed Raisi Station at around 06:30 PM, his wife suddenly fell out of the train. After the train had travelled some distance, he pulled the emergency break/chain and began searching for his wife. Eventually, the Appellant/Claimant claimed to have found her dead body among the bushes near the railway tracks ahead of Kuri Village, which is beyond Raisi Station, at approximately 9:30 AM on 25.05.2017.

4. Suffice to say that the Respondent, in its written statement, denied that any accident occurred on 23.05.2017 near the Raisi Railway Station. It was further stated that the claim put forth by the Appellant/Claimant is concocted and fabricated to seek unjust compensation.

5. The learned Tribunal based on pleading, framed the following issues:-

1. Whether the deceased was a Bonafide passenger in the train in question at the time of incident?
2. Whether the deceased had died in an untoward incident while travelling in the train within the meaning of Section 123(c) of the Railway Act?
3. Whether the respondent is protected under the exemption clause of Section 124-A of Railway Act and is not liable to pay any compensation?



4. Whether the applicants are dependants of the deceased?
5. Relief, if any?

6. It would be expedient to reproduce the reasoning adopted by the learned Tribunal while deciding Issues No. 1 to 3 against the Appellant/Claimant and dismissing the claim application, which reads as follows:

“The applicant has placed on record original railway ticket, which shows that it was issued on 23.05.2017 in favour of two persons for journey from Ambala Cantt. To Chhapra. However, the version of the applicant describing the manner in which the incident is alleged to have occurred, is highly doubtful. Similarly, the conduct of the applicant is highly suspicious.

In the inquest report, it is mentioned that on 25.5.2017 at 9.30 a.m., Satya Naryan had come to the police post and informed that the dead body of his wife Smt. Usha Devi, who had fallen down from the train, was found in the bushes in between Raisi and Kuri. Similarly, in his statement recorded during the course of DRM’s inquiry, the applicant has stated that on 23.5.2017, he along with his wife was going from Ambala to Chhapra by Jansewa Express train, to go to his house in Fulwari Shaif. Due to excessive rush in the train, his wife felt uncomfortable and she started vomiting. When the train crossed Raisi station and her wife was vomiting from the door of the compartment suddenly, she fell down from the train. He stopped the train by pulling the alarm chain and started searching for his wife, but in vain. He searched on the next day also, but she was not traced out and on 25.5.2017, the dead body of his wife was found lying ahead of Raisi station near Kuri village.

The deceased in this case is stated to have fallen down from the train on 23.05.2017 and as per the statement of the applicant, reproduced above, she could not be traced out despite being searched by the applicant and it is only in the morning of 25.5.2017 that her dead body was traced out near Raisi station lying in the bushes. If the version of the applicant is assumed to be correct that the deceased fell down from the train on 23.5.2017, though not proved by adducing cogent evidence and was not traceable, there is no explanation on record from the side of the applicant as to what action he took on 23.5.2017 and 24.5.2017. In fact, it was incumbent upon the applicant to have informed the station authorities of Raisi station and to lodge a report with the police.



However, nothing such sort was done by the applicant as is clear from the DRM's inquiry report, which states that there was no information of any such incident with the station authorities or the police authorities. This fact, in itself, renders the case of the applicant as highly doubtful. The respondent in such a case, is not liable to pay any compensation and is protected under Section 124-A of the Railways Act.

In view of the above discussion, it is held that the deceased in this case is neither proved to be a bonafide passenger of the train nor she is proved to be a sufferer of an untoward incident as defined in the Railways Act. Issues no. 1 and 2 are decided against the applicants and issue no.3 is decided accordingly in favour of the respondent.”

7. Learned counsel for the Appellant/Claimant, referring to the post-mortem report, contended that it indicates the deceased sustained injuries all over her body, particularly on the left side. The cause of death was stated to be subdural haemorrhage due to a head injury. It was further argued that the injuries sustained by the deceased were consistent with those typically suffered by a victim falling from a moving train.

8. *Per-contra*, learned counsel for the Respondent has pointed out that the Appellant/Claimant in his cross-examination acknowledged the fact that he had not seen his wife falling “*maine yeh ghatnaa hote hue nahi dekha tha, lakin ulti hote hui dekha tha*”.

9. I am afraid the findings recorded by the learned Tribunal regarding the grave suspicion surrounding the manner of the accident, as described by the Appellant/Claimant cannot be deemed unconscionable. As per the Appellant/Claimant, the incident allegedly occurred at around 06:30 PM; however, he neither reported to the Police—after his wife's body was recovered at 09:30 AM on 25.05.2017—that an inquiry/investigation into the case was initiated.

