IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Biswaroop Chowdhury

F.M.A. 660 of 2025

Subal Pandit & Ors.

VERSUS

Union of India

For the appellant: Mr. Navin Mittal, Adv.

For the respondents: Mr. Dwijadas Chakraborty, Adv.
Mr. Goutam Sardar,

Last Heard on: September 29, 2026

Judgment on: October 09, 2026

Biswaroop Chowdhury, J:

The appellant before this Court was claimant in a case under Section 124A of the Railways Act 1989 and are aggrieved by the Judgment and Award dated 18-03-2025 passed by the Hon'ble Railway Claims Tribunal Calcutta Bench in claim Application OA/IIu/Kol/2023/216.

The case of the Appellant before the Learned Tribunal may be summed up thus;

On 01/06/2023 Rinku Devi, since deceased was travelling EX-Vidyasagar to Asansol by train with valid 2nd Class Railway Ticket No:-43831779 (Ticket seized by GRPS). During course of working a railway Rinku Devi, since deceased fell from the running train due to overcrowded pressure and sudden jerk in between Salanpur and Rupnarayan Railway Station and died on the spot.

The respondent Railway Authority contested the case by filing written statement. ISSUES were framed and evidence was adduced. Learned Tribunal upon considering the evidence adduced and upon hearing the Learned Advocates was pleased to dismiss the claim case by observing as follows:-

'6.9. Therefore it is quite obvious that the applicants have failed to prove by marshalling sufficient cogent evidence that the deceased fell down from a train and that she was a bona fide passenger.

6.10. Hence both these issues are decided against the applicants.

7. Since as per the findings in ISSUE NOS. 1 and 2 above the applicants have failed to establish their case, ISSUE NO-3 is not required to be adjudicated.

8. Since ISSUE NOS 1 and 2 are decided against the applicants, the applicants are not entitled to get any compensation or any relief as prayed for.

ORDERED.

9. That the instant claim application is dismissed on contest on its merit NO Costs.'

The appellant being aggrieved by the Judgment and Award passed by the Learned Tribunal have come up with the instant appeal.

Heard Learned Advocate for the Appellant and learned Advocate for the Respondent Railway Authority. Perused the evidence adduced and materials on record.

Learned Advocate for the appellant submits that the deceased was travelling with valid 2nd class railway ticket as mentioned in Report of GRPS, thus claim application ought to have been allowed.

Learned Advocate further submits that from the Inquest Report and Final Report submitted by the Police Authority it will be clear that the deceased fell down from a down line running train and died on the spot. Further the seizure of Railway Ticket will go to show that the deceased was a bona fide passenger.

Learned Advocate also submits that the post mortem report will go to show that the deceased fell from the train.

Learned Advocate relies upon the following Judicial Decisions:-

Rajni VS Union of India

2025 INSC. 1201.

Kharka Bahadur Chettri VS Union of India.

FMA-1134 of 2024.

(Calcutta High Court)

Union of India VS Rina Devi.

Special Leave Petition

(Civil) No. 10223.

(Supreme Court of India)

LATA VS Union of India and Anr.

Special Leave Petition (Civil)

No. 30726 of 2025.

Learned Advocate for the Respondent Railway Authority submits that no railway ticket was seized from the deceased and Subal Pandit was not the co-passenger thus the alleged journey ticket was planted.

Learned Advocate further submits that there is no eye witness with regard to fall of the victim from train or the victim purchasing ticket Learned Advocate also submits that in the Detail Accident Report or Daily Diary (Roznamcha) of RPF there was no mention of recovery of ticket, thus the case of the Appellants/Applicants should fail.

Learned Advocate relies upon the following Judicial Decision:-

Jetty Naga Lakshmi Partialhi and 2 others. VS Union of India.

(Civil Miscellaneous Appeal 947 of 2008)

High Court at Andhra Pradesh.

Upon perusing the materials on record and upon hearing the Learned Advocates it is an admitted position that dead body of the victim was found beside the Railway Track. As in case of Railway accidents due to fall from train it is not possible for family members of victim to arrange for eye-witnesses reliance is to be made on the basis of Police Report, and Report of Railway Authority.

As Railway Compensation Claim Legislation is a beneficial legislation where it is not necessary to establish the case beyond reasonable doubt but on the touchstone of preponderance of probability Courts cannot act like an umpire, but has to enquire and ascertain the truth. Moreover Railway claim cases are not purely adversarial litigation and enquires are conducted by Railway Authority to ensure that genuine claims are honoured and frivolous claims are dismissed. Where Railway Authority on enquiry ascertains about untoward incident then inspite of inconsistant statements of family members, should settle the claim before matter being taken to Court. In many cases Railway Authority announces Ex-Gratia payment upon being satisfied about untoward incident on enquiry. In the instant case although Railway Authority conducted enquiry but concluded that no eye witness is available to prove that deceased has fallen from the train. No steps were taken by the Railway Authority to consider the Police Report. Further it will appear from the Enquiry

Report of RPF that Subal Pandit stated that on 31-05-2023 in the evening at about 7.00 hrs his wife left for her village Dum-Dumi. On 01-06-2023 in the morning at about 7.00 hrs he got information through his village people that one unknown female was lying dead at km. No.-229/20 beside Railway Track. Subsequently he reached at the spot and identified his wife as Rinku Devi. Such statement of Subal Pandit was also not considered to ascertain whether victim fell from the train.

Now the point for consideration is whether victim was a bona-fide passenger with journey ticket. In the instant case although journey ticket was not recovered from the dead body but was handed over by victim's husband to the Police Authority. Although the respondent submits that the ticket is implanted by Subal Pandit husband of the victim but such presumption is not possible for 2 reasons. First the Railway ticket was handed over to the Police Authority on the very date of accident and not at a later stage. Secondly a person whose wife died in Railway Accident will not have the energy or idea to take steps for implantation as the mind will be sad and weak.

Upon perusal of Cross-examinations of Subal Pandit it will appear that he reiterated the statement of his wife returning by train on 01/06/2023. He also re-iterated that his daughter was with his wife on 01/06/2023 and the railway ticket was kept in a bag of her daughters. Thus nothing could be shaken in cross-examination about the victim returning in train on the date of

accident and her daughter coming with her and Railway ticket kept in his daughter's bag.

Upon considering the Inquest Report, Final Report u/s 174 C.r.P.C., submitted by Police Authority and deposition of A.W. 1 it is clear that death of Rina Devi is an untoward incident. Thus the Appellant is entitled to the compensation prayed for:-

Hence this Appeal FMA-660/2025 stands allowed. Judgment and Award dated 18/03/2025 passed by Railway Claim Tribunal Calcutta Bench in claim Application No. OA/IIu/Kol/2023/216 is set aside. The Appellant/Applicant is entitled to compensation of Rs. 800,000/- (Rupees Eight lac) alongwith interest @6% p.a. from date of filing claim case till today. The Respondent Railway Authority shall deposit Rs. 800,000/- (Rupees Eight lac) alongwith interest @6% per annum before Registrar General High Court Calcutta. Such deposit shall be made within 8 weeks from the date communication of this Order.

The Appellant/Applicant is entitled to withdraw the compensation on compliance of necessary formalities.

Urgent photostat certified copy of this order, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(Biswaroop Chowdhury, J.)