



2026 INSC 1056

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.12951 OF 2026

**SUKHABHAI NANJIBHAI MAKWANA
AND ANOTHER**

APPELLANTS

VERSUS

UNION OF INDIA

RESPONDENT

J U D G M E N T

ATUL S. CHANDURKAR, J.

1. The appellants are the unfortunate parents of one Maheshbhai, who while travelling to Surat via Ahmedabad on 27.09.2017 was a victim of an ‘untoward incident’. While travelling in the general compartment of the train, he fell down on account of a sudden jerk and jolt when the said train was between Sabarmati and Ahmedabad Railway Stations. He sustained multiple grievous injuries and was admitted in hospital. He, however, succumbed to his injuries on 31.10.2017. The claim application preferred by the parents under Section 16 of the

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Reason:

Railway Claims Tribunal Act, 1987¹ was allowed by the Railway Claims Tribunal² on 17.06.2022. It held that Maheshbhai was victim of an ‘untoward incident’ and had suffered an accidental fall. The claimants were held entitled to compensation of ₹8 lakhs along with interest @9% per annum from the date of the incident till the date of the order. The Union of India being aggrieved, preferred an appeal under Section 23 of the Act of 1987. A learned Single Judge of the Gujarat High Court³ by the order dated 15.07.2025 allowed the said appeal by holding that there was no evidence as to the fall of the victim from the train and, therefore, the incident could not be called an ‘untoward incident’ as defined under Section 123(c)(2) of the Railways Act, 1989⁴. The claimants being aggrieved are in appeal.

2. Mr. Nachiketa Joshi, learned Senior Advocate for the claimants, submitted that the High Court committed an error in reversing the judgment of the Tribunal by which the claim application preferred by the claimants had been allowed. The victim was a *bona fide* passenger who had a fall from the train in

¹ For short, ‘the Act of 1987’

² For short, ‘the Tribunal’

³ For short, ‘the High Court’

⁴ For short, ‘the Act of 1989’

which he was travelling between Sabarmati and Ahmedabad Railway Stations. Merely on the ground that the travel details of the victim, such as the name of the train in which the victim was travelling having not been disclosed, has weighed with the High Court. He submitted that it having been specifically pleaded by the claimants that the victim was travelling with a valid ticket which was lost, the burden to prove that the victim was an unauthorised passenger was on the Railways. No material was brought on record by the Railways to disbelieve the claim of the claimants. The Report submitted under Rule 6 of the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003⁵ as amended in 2007 was after a period of more than seven months from the occurrence of the untoward incident. As per Rule 7 of the Rules of 2003, such investigation was required to be immediately completed and report in that regard was to be expeditiously submitted. Referring to the decision in **Kalandi Charan Sahoo and Another vs. General Manager, South-East Central Railways, Bilaspur**⁶ decided on 25.04.2017, he submitted that on account of

⁵ For short, 'the Rules of 2003'

⁶ Civil Appeal No.5608 of 2017

belated preparation of the investigation report, the same could not be relied upon. He further referred to the evidence led by the claimants before the Tribunal and submitted that the Tribunal rightly held that the victim was a *bona fide* passenger. By narrowly interpreting the provisions of the Act of 1989, the High Court erred in reversing the award passed by the Tribunal. He also placed reliance on the decision in **Union of India vs. Rina Devi**⁷. He, therefore, submitted that in view of the material brought on record, the award passed by the Tribunal ought to be restored and the impugned order passed by the High Court be set aside.

3. Per contra, Mr. Kanakamedala Ravindra Kumar, learned Additional Solicitor General for the respondent, supported the impugned order passed by the High Court. He submitted that the claim of the claimants was rightly disbelieved by the High Court since no details of the train travel were disclosed in the claim application. No eyewitness was examined nor any railway ticket was found on the person of the victim. Referring to the evidence of the Superintendent, who had stated that there was no movement of any train at the relevant point of time, it was submitted that

⁷ 2018 INSC 469

Railways had rebutted the evidence led by the claimants. It was rightly held that the injury in question sustained by the victim was a 'self-inflicted injury' and, thus, no compensation was payable to the claimants under Section 124-A of the Act of 1989. It was, therefore, submitted that the impugned order of the High Court did not call for any interference and the appeal was liable to be dismissed.

4. We have heard the learned counsel for the parties at length. With their assistance, we have perused the relevant documentary material available on record. Having given due consideration to the rival submissions, we are of the view that the High Court committed an error in setting aside the award passed by the Tribunal. The claimants were rightly held entitled to receive compensation under Section 124-A of the Act of 1989 and the award of the Tribunal deserves to be restored.

5. A perusal of the claim application preferred by the claimants under Section 16 of the Act of 1987 indicates that the victim was travelling with a valid and proper railway ticket on 27.09.2017. While he was travelling to Surat in the general compartment of the train, on account of heavy rush he lost his balance and fell down

from the train between Sabarmati and Ahmedabad Railway Station. He was thereafter taken to a hospital for medical treatment, but he succumbed to his injuries on 31.10.2017. The claim application was accordingly filed on 12.01.2018. Along with the claim application, a communication dated 13.11.2017 issued by the Police Station Officer, G.R.P. Ahmedabad, was annexed. As per this letter, the investigating officer was directed to take charge of the investigation with regard to the accidental death of the victim. Written statement was filed by the Railways denying the claim made by the claimants. The stand taken was that on account of a self-inflicted injury, the victim had expired. No travel ticket was recovered from the victim nor were any material details mentioned in the claim application. The Railways sought to rely upon an investigation report dated 17.05.2018. As per the documents placed on record, on 28.02.2018 the Sub-Divisional Magistrate (East), Ahmedabad, forwarded the necessary papers for preparation of a report in that regard under Rule 6 of the Rules of 2003. The said papers were received by the Ahmedabad Railway Police Station on 17.04.2018 and the aforesaid report dated 17.05.2018 was submitted.

6. The father of the victim, Sukhabhai Nanjibhai Makwana examined himself in support of the claim and relied upon the claim affidavit in that regard. In his cross-examination, he stated that his son was unmarried and that he was travelling alone in the train on 27.09.2017 when the untoward incident occurred. He stated on oath that his son had purchased a ticket which was, however, lost. He accepted the suggestion made to him by the Railways that his son while travelling, was standing near the door of the compartment.

The Railways examined an Assistant Sub-Inspector serving at Sabarmati Railway Station. He stated that he had not received any information from any engine driver that somebody had dashed with the engine. He stated that he did not know the train from which the victim had fallen down and he did not know about the incident. He had only seen the victim in an injured condition under a bridge. He stated that he had not searched his pocket. The Station Superintendent was also examined by the Railways, who stated that the incident in question was reported to him at 07.30 hrs. He stated that he attended the injured and had sent him to the hospital through an ambulance. The victim was not in a

position to speak and that he had not checked his pocket for any ticket. Though he had given a memorandum on the same day, no investigation was made by him subsequently. These were the two witnesses examined by the Railways.

7. As noted above, the Tribunal accepted the evidence led by the claimants and held the victim to be a *bona fide* passenger, who had lost his life on account of an untoward incident. It was noticed that no ticket had been produced by the claimants but that by itself would not establish the fact that the victim was an unauthorised passenger. There was a possibility of the ticket being lost in such circumstances. The award passed by the Tribunal granting compensation was reversed by the High Court principally on the ground that necessary details of the train in which the victim was travelling had not been disclosed and that no ticket was found with the victim. Further, the report of the Division Railway Manager dated 17.05.2018 was relied upon to set aside the award of the Tribunal.

8. We may first note certain factual aspects that are available on record of the present proceedings. In the claim application dated 12.01.2018 preferred by the claimants, in paragraph 6(d) it

was specifically pleaded as under:

“It is true that my deceased son’s railway travelling ticket, a handkerchief, a wrist watch, a pocket comb and a cash of Rs. 800/- to 900/- and etc. is lost.”

In the written statement filed by the Railways, these averments were denied. The victim’s father examined himself in support of the claim application. The tenor of his cross-examination conducted by the Railways makes interesting reading. The relevant portion thereof is as under:

“I state on oath that my deceased son used to always purchase the ticket before travelling. This is the reason why I stated in my affidavit that he had purchased the ticket which was lost.

It is true that my son was travelling by standing near the door of the compartment.

My deceased son had no mobile phone.”

The Railways examined two witnesses namely, the Assistant Sub-Inspector with the Railway Protection Force as well as the Station Superintendent. In their cross-examination, they admitted that they had not searched the pocket of the victim for his ticket.

9. In **Rina Devi** (supra), this Court has held that mere absence of a ticket with the victim would not negate the claim that the victim was a *bona fide* passenger. The initial burden can be discharged by

the claimant by filing an affidavit of the relevant facts, after which the burden would shift on the Railways. In paragraph 17.4 of the said decision, it has been held as under:

“17.4 We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”

10. Another material factor that is to be borne in mind is that the untoward incident took place on 27.09.2017, which left the victim with grievous injuries. He was thereafter hospitalised for a period of more than a month. He, however, succumbed to his injuries on 31.10.2017. In normal course, when the victim was undergoing medical treatment, it is quite unlikely that the railway ticket would have been preserved by the claimants. In any event, the Railways failed to discharge the burden that had shifted on them in view of the claimant's statement on oath. Taking an overall view of the matter, the Tribunal proceeded to hold that the victim was a *bona fide* passenger and that absence of the ticket could not be held against the claimants. The claimants had

specifically pleaded that the victim's ticket, handkerchief, wristwatch, comb and cash of ₹800/- to ₹900/- were lost. The victim's father having deposed on oath that his son had purchased the ticket resulted in the initial burden being discharged by the claimants and it was upto the Railways to rebut the same. The witnesses examined by the Railways failed to check the pockets of the victim. In these circumstances, we are of the view that the Tribunal was justified in concluding that the victim was a *bona fide* passenger. The High Court gave undue importance to the absence of the railway ticket without taking into consideration the statement made on oath by the victim's father and the fact that the victim had been hospitalised for a period of more than one month. On preponderance of probabilities, it can be concluded that the victim was a *bona fide* passenger and that absence of recovery of his ticket cannot result in defeating the claim for compensation. The principle of 'strict liability' flowing from Section 124-A of the Act of 1989 as held in **Union of India vs. Prabhakaran Vijaya Kumar & Others**⁸ is clearly attracted.

⁸ 2008 INSC 577

11. Another relevant aspect to be noticed is that the claim application was preferred by the claimants on 12.01.2018. It is only after being served with a notice of the said proceedings that the authorities entered into communication for having the investigation report under Rule 6 of the Rules of 2003 prepared. This report was ultimately prepared on 17.05.2018, which is about seven months from the untoward incident. Delay in conducting the inquiry could not be attributed to the claimants and the Railways cannot seek to take advantage of the delay on their part in preparing the investigation report. In **Kalandi Charan Sahoo** (supra), absence of such inquiry being conducted immediately as required under the Rules of 2003 was held to be a factor against the Railways. There is no explanation on record furnished by the Railways as to the reason for delayed preparation of the investigation report. We are, therefore, inclined to ignore the said investigation report. The same, therefore, cannot come in the way of the claimants in receiving compensation.

12. Thus, considering the entire material on record, we are satisfied that the Tribunal had rightly granted compensation to the claimants under Section 124-A of the Act of 1989. The High

Court was not justified in reversing the said award on the ground that the claimants could not produce the ticket on which the claimant was travelling. For all the aforesaid reasons, the order dated 15.07.2025 passed by the High Court in R/First Appeal No.4716 of 2022 is set aside. The award dated 17.06.2022 passed in O.A. No.11 of 2018 by the Tribunal is restored. The award be now satisfied by the Railways within a period of thirty days. The Civil Appeal is allowed in the aforesaid terms, leaving the parties to bear their own costs. Pending Interlocutory Applications are also disposed of.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
SEPTEMBER 25, 2026.