IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CIVIL MISCELLANEOUS APPEAL No.318 OF 2022

Date: 08.04.2026

Between:

Ravi and another ... Appellants

AND

Union of India, Rep. by its General Manager,
South Central Railway, Secunderabad. ... Respondent

JUDGMENT:

This Civil Miscellaneous Appeal is directed against the order dated 08/03/2019 passed in OA II (U) No.180/2015 by the learned Railway Claims Tribunal, Secunderabad. By the said order, the learned Tribunal dismissed, the application filed by the appellants under section 124-A of the Railways Act, 1989, wherein they had sought compensation of Rs.10,00,000/- together with interest and costs, from the South-Central Railways, Secunderabad, on account of for the death of Sri U. Balaji (hereinafter referred to as 'the deceased') in an untoward incident that occurred on 23.05.2015.

2. For the sake of the clarity and convenience, the parties hereinafter shall be referred to as per their status before the Tribunal.

I. **BRIEF FACTS:**

3. The case of the applicant Nos.1 and 2, who are the parents of U. Balaji is that, on 23.05.2015 the deceased intended to travel Nagarur to attend a family function at the residence of his maternal uncle. In furtherance of the said journey, he proceeded to Adoni Railway Station and purchased a passenger train ticket bearing No.68013731 for travel from Adoni to Nagarur. It is their specific case that the deceased boarded Train No.57427 (Raichur – Guntakal passenger) in the second class general compartment and had informed the applicants about his travel. It is further case of the applicants that owing to heavy rush in the compartment, the deceased accidentally slipped and fell from the said running Train at Km.No.483/7-8, between Adoni and Nagarur railway stations, allegedly due to speed jolts and sudden jerks of said running train. As a consequence of fall, the deceased sustained multiple fatal injuries and succumbed to the same at the spot on the very same day.

4. The respondent Railways filed a written statement denying all the allegations and averments made therein. The respondent contended that there was no cause of action for the applicants to file the application, as the claim does not fall within the ambit of Section 123 (c) or Section 124-A of Indian Railways Act, 1989. It

was further stated that the keyman P. Mallikarjuna of Gang No.4 saw the dead body lying between the track at Km.No.483/7-8 on 23.05.2015 and reported at 16.20 hours to Dy.SM/Adoni and upon the complaint given by Dy.SM/Adoni, the Railway Police, Adoni registered Crime No.24/2015 at 20.00 hours and conducted inquest on 24.05.2015. It was further contended that the death may be suicide, which amounts to self inflicted injury falling in exception 'b' of Section 123 – (C) and 124-A of the Railways Act. Further, there are no eyewitnesses to establish that the deceased travelled in the said train and fell down. The ticket found with the deceased was valid from Adoni to Nagarur railway station only but whereas the dead body was lying between Nagarur – Aspari railway station and the train was stopped for its scheduled halt time of 02 minutes, so due to short time the deceased could not get down from the train is not correct.

II. ISSUES FRAMED BY THE TRIBUNAL:

5. The following issues were framed for determination by the Tribunal:

1. Whether the deceased was a bonafide passenger of the train in question and died as a result of untoward incident?
2. Whether appellant(s) is/ are dependent(s) of the deceased?
3. Whether the applicant(s) is/ are entitled to the compensation as claimed?

4. To what relief?

III. EVIDENCE ON RECORD:

6. On behalf of applicants AWs 1 and 2 were examined and Exs.A-1 to A-10 were marked. On the other hand, except filing Divisional Railway Manager's Report (DRM) as Ex.R1, no oral evidence was adduced on behalf of the respondent.

IV. FINDINGS OF THE TRIBUNAL:

7. The learned Railway Claims Tribunal, upon consideration of the oral and documentary evidence adduced by the parties, dismissed the application holding that the incident does not fall under any of the exceptions enumerated in Section 124- of the Railways Act, 1989.

8. Aggrieved thereby, the applicants have preferred the present appeal seeking to set aside the impugned order and for grant of compensation as claimed.

9. Heard Ms. N.S. Geetha Madhuri, learned counsel for the appellants, Sri Chindam Anjaneyulu, learned Standing Counsel for Central Government appearing for the respondent and perused the record.

V. ISSUES FOR CONSIDERATION:

10. Having heard the learned counsel appearing for the respective parties and upon a careful examination of the material placed on record, the following issues arise for consideration in this Appeal:

(i) Whether the death of the deceased occurred as a result of an "untoward incident" within the meaning of Sections 123(c) and 124-A of the Railways Act, 1989?

(ii) Whether the claim of the applicants is liable to be defeated merely because the dead body of deceased was found beyond the destiny?

(iii) Whether the applicants had discharged the initial burden cast upon them under Section 124-A of the Railways Act, and if so, whether the burden thereafter shifted to the respondent Railways?

(iv) Whether the applicants are entitled to compensation under Section 124-A of the Railways Act, and if so, to what extent?

VI. ANALYSIS AND FINDINGS:

11. There is no dispute with regard to the relationship between the applicants and the deceased, particularly in view of the family members certificate, ration card, aadhar cards of the deceased and the applicants marked as Exs. A5 to A9 respectively. There is also

no dispute with regard to the fact that the dead body of the deceased was found lying on the railway track on 23.05.2015. Further, there is no dispute concerning the registration of the crime on the death of the deceased, as is evident from Ex. A1, which records the occurrence of the incident on 23.05.2015.

12. In order to establish that the deceased was a bona fide passenger of Train No. 57427, which was proceeding from Adoni to Nagrur, the applicants relied upon the oral evidence of applicant No.1, who was examined as AW1. AW1 categorically deposed in his chief-examination that his son purchased passenger ticket and boarded Train No.57427 at Adoni to go to the house of his maternal uncle at Nagarur and there was heavy rush of passengers and suddenly the deceased slipped and fell down accidentally from the said running train at Km.No.483/7-8 in between Adoni and Nagrur railway stations due to speed jolt and sudden jerks of said running train. Admittedly, a passenger train journey ticket bearing No.68013731 from Adoni to Nagarur was recovered from the dead body of the deceased. Though AW1 was subjected to cross-examination by the learned counsel for the respondent Railways, nothing was elicited to discredit his testimony or to establish that the deceased had not boarded the said train.

A. <u>Failure of Railways to Produce Best Evidence</u>:

13. It is the specific contention of the learned counsel for the respondent that the deceased might have committed suicide, which amounts to self inflicted injury falling in exception 'b' of Section 123 – (C) and 124-A of the Railways Act. It is further contended that there were no eyewitnesses to establish that the deceased travelled in the said train and fell down.

14. Admittedly, even the railway authorities failed to produce any material either to establish that the deceased committed suicide or to establish that the deceased did not travel in the said train or that the deceased did not fall from the running train. Mere assertion that the deceased committed suicide is not sufficient to deny the compensation. However, the panch witnesses to the inquest report under Ex.A2 opined as under:

'It appears that, the deceased travelling in Train No.57427 passenger going from Adoni-Nagarur prior to 18.30 hours on 23.05.2015 could not get down at Nagarur R.S. due to rush of Passengers with the tension that Nagarur R.S. passed away, slipped and accidentally fell down after Nagarur R.S. between K.M.No.483/7-8 and died.'

15. As per the Forms – I and II i.e., report and brief particulars of Untoward Incident submitted by the railway authorities, it is an accidental fall. There is no whisper in any of the documentary

evidence to establish that the deceased committed suicide. It is surprising to note that one of the panch witness to inquest panchanama is none other than Y. Subbarayudu, RPSI, who is railway police official, who registered the case with regard to the subject incident and he was examined as AW2. In the chief examination, AW2 supported the evidence of AW1. However, in the cross examination, he admitted that in the paper clipping it was stated that a student jumped from train and died. But AW2 added that they have given an amendment to the press statement, however, it was not published. It is pertinent to note that it is the AW2, who had opined in the inquest report that it was an accidental fall. The evidence of AW2 is very crucial as he is railway police official, who is well versed with the incident, in which the deceased lost his life. As per the version of AW2, though it was stated in the paper clipping that a student jumped from train and died, they have given an amendment to the press statement, but unfortunately the same was not published. The respondent also did not bring to the notice of either the Tribunal or this Court as to what were the reasons that compelled the deceased to commit suicide. In this connection, the learned counsel for the applicants placed reliance upon the decision of the High Court of Kerala in

Sunitha C and others v. Union of India[1], wherein it was observed as under:

> *"17.In the instant case, there are no eye witnesses to the incident. There is no material to hold that the deceased had any reason to jump off a moving train and to bring upon himself the fatal injuries suffered in this case. It is also not the case of the respondents that there was any attempt on the part of the deceased to commit suicide. It is also clear that an untoward incident as defined in the Railways Act had occurred in the instant case. Since Railway Claims Tribunals have been set up to consider cases of accidental death and injury in railway accidents, we are of the opinion as is fortified by the decisions of the Apex Court and the various High Courts including that of this court, that the endeavor of the Tribunals should not be to deny compensation to unfortunate victims. In the above view of the matter, we are of the opinion that the dismissal of the claim petition is completely unjustified."*

16. Further, in *Shrikumar Gupta and another v. Union of India*[2], the Honourable Supreme Court observed as under:

> *"The railway authorities have taken a plea in the written statement in paragraph 3 that the deceased had jumped off the train, namely, had alighted at the station where he intended to alight, is a plea without proof. Having raised such a plea, it was incumbent upon the railway authorities to prove the same. However, the DRM Report is also silent on this aspect. For these reasons we are unable to accept the contention of learned ASG. The two members of the tribunal have rightly held that the railway authorities are required to pay the compensation."*

17. In view of the principle laid down in the above said decisions, more particularly, without there being any proof, it cannot be held that the deceased had committed suicide.

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[1] 2017 ACJ 878
[2] 2025 Live Law (SC) 1115

18. Now coming to the aspect of deceased travelling beyond destiny, the deceased alleged to have boarded the train at Adoni and as per the journey ticket he was expected to get down the train at Nagarur but the dead body of the deceased was alleged to have been found between Nagarur and Aspari railway stations. However, as per the inquest report the dead body of the deceased was lying between Adoni and Nagarur railway stations. Even otherwise, it is settled law that even though the passenger travels beyond destiny, he can be permitted to travel subject to payment of penalty. In this regard, the learned counsel for the claimants placed reliance on the decision of this Court in *Union of India v. Geeta Devi and others*[3], wherein it was observed that merely because the passenger over-travelled the destination, it cannot be said that the said passenger is not a bonafide passenger. Similarly, reliance was also placed on the decision of High Court for the erstwhile composite State of Telangana and State of Andhra Pradesh in *A. Laxmi and others v. Union of India*[4], wherein it was observed that the persons, who travelled beyond their destination in a train, cannot be held to be not bonafide passengers.

19. Thus, in view of the principle laid down in the above said decision and also considering the above evidence and the ticket

[3] TSHC: CMA No.965/2019 decided on 09.06.2023
[4] CMA No.682/2016 decided on 26.10.2018

recovered from the dead body of deceased, it can be held that the deceased purchased passenger ticket No.68013731 on 23.05.2015, boarded the train No.57427 and accidentally fell down from the running train and succumbed to injuries.

20. In *Dolirani Saha v. Union of India*[5], the Honourable Supreme Court held that once the claimant places on record an affidavit and materials showing that the deceased was travelling in the train and that death occurred due to a fall during the journey, the burden of proof shifts entirely onto the Railways to establish otherwise.

21. The High Court of Kerala, in *Union of India v. A. Geetha*[6], observed that the Railway authorities, being in the closest proximity to the place of incident and having exclusive access to the relevant records, are better placed to conduct a meaningful enquiry. The Court held that the Railways cannot take advantage of their own inaction or failure to conduct a proper enquiry to defeat a legitimate claim.

22. In *Daisy Jacob v. Union of India*[7], the Kerala High Court, while interpreting Rules 7 to 10 of the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003, held that the scheme of the Rules clearly places the burden of investigation on

[5] 2024 INSC 603
[6] 2018 ACJ 941
[7] MFA (RCT) No.139/2017 decided on 22.05.2025

the local police and railway officials. The Court recognized the practical helplessness of claimants, who are often far removed from the place of incident and held that the burden cannot be unfairly shifted onto them. The relevant observations are extracted hereunder:

> *"6. I have heard both sides in detail and have considered the contentions put forth. At the outset it is to be noted that the proceedings under the Railways Act are not adversarial or litigative proceedings at all. A Division Bench of this Court in Jayalakshmi and another v. Union of India. [2011(2) KHC 706] had in this respect held as follows:*
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> *"An anxious perusal of the relevant statutory provisions and the rules must convince that the framers of the statute and the rules did not reckon the proceedings as an adversarial litigative process at all. If there be any semblance of doubt on this respect, it will be appropriate to frequent oneself with the stipulations of the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules 2003 (as amended in 2007). Rule 7 to Rule 10 clearly shows that the burden is on the local police and the officers of the force to conduct an inquiry/ investigation into the cause of the incident and come to appropriate conclusion. To us, it appears that the provisions clearly reveal due recognition and acceptance of the helplessness of the claimants who may be far far away from the scene/venue of the incident and consequentially incapable of adducing very compelling evidence in support of their claim. The realistic acceptance of the plight of the victims is perfectly clear from the mechanism stipulated for inquiry /investigation under the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules 2003. The burden really is not placed entirely on the shoulders of the victims or claimants. But the burden is placed on the shoulders of the railway and its officials to contact a proper inquiry to ascertain whether claimants are really entitled to the amounts or not." (emphasis added)*
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> *7. What follows from the above dictum is that when the local police submits a final report after inquiring into the incident, the same cannot be simply brushed aside stating that the travel ticket had not been produced and hence there is no evidence that the victim/ injured person was a bona fide passenger. The investigation and submission of a report by the police under the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules is not a mere formality and the report carries its own evidentiary value and weight.*
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> *8. The question as to what circumstances would justify a victim of a railway accident to be termed as bonafide passenger in the absence of travel/ journey tickets is no longer re integra. This Court had after a detailed survey of the precedents on the point, lucidly encapsulated the*

law on the point in Girija's case (supra). In the said case, the claimant had filed an affidavit before the RCT wherein it is stated that her son was holding a general compartment ticket for the journey from Quilandy to Vadakara, which had been lost at the time of the accident, and that she was not in a position to produce the ticket. She also requested that the production of the ticket be dispensed with. This Court had held that the said affidavit is sufficient to discharge the initial burden on the part of the claimant especially since the respondents had not chosen to let in any contra evidence. In Girija's case (supra) this Court had taken note of the judgment of the High Court of Delhi in Shahajad's case (supra) and had opined that the legal position has been to a certain extent set at rest by the Hon'ble Supreme Court in Union of India v. Rina Devi [2018 (2) KLT 1060] wherein various conflicting views of the different High Courts had been examined and it had been concluded by the Hon'ble Supreme Court that though the mere presence of a body on the railway premises will not be conclusive to hold that the injured or the deceased was a bona fide passenger, the mere absence of a ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. The Hon'ble Supreme Court had therein held that there is an initial burden on the claimant which could be discharged by filing an affidavit of the relevant facts, and the burden will then shift onto the railways, and the issue can be decided on the facts shown and on the attending circumstances. The Hon'ble Supreme Court has also held that the approach should be to deal on a case-by-case basis based on the facts proved. It is thus well settled that the initial burden on the claimant will be discharged by filing an affidavit of the relevant facts. In A.Geetha's case (supra), it has been held by a Division Bench of this Court that the burden to adduce proof to the contrary is squarely on the shoulders of the railway and its officials and they have to discharge the same by conducting appropriate inquiry into the cause of the incident. When neither the railway nor its officials have conducted an inquiry of this nature, it is highly improper on them to blame the claimants for their inaction. In Leelamma's case (supra), a Division Bench of this Court had held that as per Section 123 (c) (2) of the Railways Act, 1989, untoward incident includes the accidental falling of any passenger from a train carrying passengers. As regards the burden to prove that the victim was a bonafide passenger, it was held therein as follows:

"The question muted for consideration is whether due to the mere non-production of the ticket an adverse inference can be drawn by the Tribunal that the person who got injured and succumbed to death was travelling without a valid journey ticket and that he was not a bona fide passenger. According to the claimants, the deceased was holding journey ticket and the same was lost in the accident. The normal presumption is that a passenger in a railway holds a valid ticket. When the appellant respondent contends that the deceased was a passenger who fell down while attempting to board a train, the burden is heavily upon them to prove that he attempted such journey without purchasing a ticket. Since that burden is not discharged by the railway, the Tribunal is perfectly justified in rejecting the contention that the deceased was not a bona fide passenger. The Railway Tribunal in such cases are perfectly justified in drawing a presumption that the person concerned was travelling or attempting to travel with a valid ticket and in such case the passenger cannot be termed as a not a bona fide passenger." (emphasis added)

9. In Prabhakaran Vijaya Kumar's case (supra), the Hon'ble Supreme Court has held that the provision of compensation in the Railways Act, 1989 is a beneficial piece of legislation and it should receive a liberal and wider interpretation and it is covered by the main body of Section 124A and not its proviso. In Sunitha's case (supra), a Division Bench of this Court held as follows:

"Since the railway claims tribunals have been set up to consider cases of accidental death and injury in railway accidents We are of the opinion, as is fortified by the decisions of the Apex Court and the various High Courts, including that of this Court, that the endeavour of the Tribunal should be not to deny compensation to unfortunate victims. In the above view of the matter, we are of the opinion that the dismissal of the claim petition is completely unjustified." (emphasis added)

10. There was legally reliable evidence before the RCT by way of the report of the local police that the deceased had been a passenger on board the train and had fallen down from the said train leading to his death. The said evidence had its prima facie worth and value. As regards the question whether the deceased was holding a valid journey ticket and was thus a bona fide passenger, insofar as the applicants had filed an affidavit stating the material facts that relate to the journey of the deceased, wherein they had stated that the journey ticket as well as the bag of the deceased had been lost in the confusion that followed his fall the burden, as laid down by the precedents discussed above, had shifted on to the respondent. The said burden had not been discharged by the respondent. The RCT erred in concluding that the incident had not happened and also that the deceased was not a bona fide passenger. The judgment of the RCT is incorrect, legally unsustainable and fit to be set aside."

23. It is further to be noted that the respondent authorities failed to adduce any oral evidence to establish that the deceased did not commit suicide and relied solely upon the DRM report marked as Ex. R1. A perusal of the impugned order would reveal that the learned Tribunal placed reliance upon the findings recorded in the said DRM report. The pivotal question, therefore, is whether Ex. R1 can be safely relied upon to dislodge the presumption of deceased committing suicide, particularly when the applicants have specifically contended that the respondent authorities failed to

conduct a fair and statutory enquiry and that the conclusions recorded in the DRM report are erroneous.

24. Under the scheme of Section 124-A of the Railways Act, 1989, read with the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003, as amended in 2007, the Railway Administration is obligated to conduct a prompt, fair, and comprehensive enquiry and to place the relevant material on record along with its written statement. The applicants have specifically contended that the DRM report in the present case is contrary to the statutory framework and also violative of the instructions issued by the Government of India, Ministry of Railways, vide letter No. 2015/Sec (Spl)/200/13 dated 30.12.2015, which mandates completion of investigation within sixty (60) days and fixation of responsibility in the event of non-compliance.

25. As borne out from the record, the incident occurred on 23.05.2015 and the Original Application was filed on 17.06.2015, whereas the DRM report under Ex. R1 came to be prepared only on 17.03.2016, nearly ten months after the date of the accident. Such inordinate delay is in clear violation of the Rules of 2003 and materially undermines the evidentiary value of the DRM report. A report prepared beyond the statutory time frame, without

adherence to the prescribed procedure, cannot be accorded primacy so as to defeat a claim under a beneficial legislation.

26. In *Kalindi Charan Sahu and another v. General Manager, South-East Central Railway*[8], the Honourable Supreme Court reiterated that the liability to pay compensation under Section 124-A of the Railways Act is one of strict liability, and once the occurrence of an untoward incident resulting in death or injury is established, compensation becomes payable irrespective of any wrongful act, neglect, or default on the part of the Railway Administration. The Court further held that the object and purpose of the beneficial legislation would be frustrated if claimants are denied compensation on the basis of procedural lapses, delayed investigations, or defective enquiries conducted by the Railways. It was categorically observed that failure to conduct the mandatory enquiry promptly and in accordance with the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003 cannot be used to non-suit the claimants, and such omission on the part of the Railway Administration cannot enure to its benefit. The Honourable Supreme Court emphasized that where the Railways fail to discharge their statutory obligation of conducting a fair and timely enquiry, the burden cannot be shifted onto the

[8] 2018 ACJ 1460

dependants of the victim to disprove the conclusions drawn in such belated or defective reports.

B. <u>Findings on Untoward Incident</u>:

27. Further, the materials on record, including the FIR, inquest report, post-mortem report unmistakably establish that the deceased accidentally fell from passenger train No.57427 Raichur – Guntakal and died on the spot. Consequently, the death of the deceased squarely falls within the ambit of an "untoward incident" as defined under Section 123(c) read with Section 124-A of the Railways Act, 1989.

28. Significantly, the respondent has neither pleaded nor adduced any evidence so as to bring the case within any of the statutory exceptions enumerated under Section 124-A of the Railways Act, 1989 except filing DRM Report. In spite of the absence of such proof, the learned Tribunal, on its own, proceeded to hold that the death of the deceased was due to suicide and such approach of the learned Tribunal is legally unsustainable.

29. Ex.A2 – the Inquest Report, prepared by the Investigating Officer in the presence of railway officials, clearly records that the deceased accidentally fell down from the train and died. Ex.A1 – the FIR, registered on the basis of information furnished by railway

staff, records that the deceased was found lying on the railway track. These contemporaneous official records consistently point to an accidental fall from the running train. When the oral testimony of AW1 is read in conjunction with the documentary evidence under Exs.A1 to A3, and in the absence of any cogent or convincing evidence adduced by the respondent to establish the contrary, the only conclusion that emerges is that the death of the deceased was the result of an untoward incident. The learned Tribunal, therefore, ought to have held accordingly.

K. <u>Quantum of Compensation:</u>

30. Coming to the quantum of compensation, it is not in dispute that the accident resulting in the death of the deceased occurred prior to the amendment dated 23.06.2016. Under the un-amended Railway Accidents and Untoward Incidents (Compensation) Rules, the prescribed compensation for death was Rs.4,00,000/-. By virtue of the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2016, the said amount was enhanced to Rs.8,00,000/-. At this juncture, it is apposite to refer to the decision of the Honourable Supreme Court in *Union of India v. Radha Yadav*[9], wherein it was held that the compensation payable shall be the higher of the two amounts, namely, (i) the amount payable as on the date of the accident together with

[9] (2004) 2 SCC 1

reasonable interest till the date of award, or (ii) the amount prescribed under the Schedule as on the date of the award. It was held as under:

> *"10. The issue raised in the matter does not really require any elaboration as in our view, the judgment of this Court in the case of Rina Devi, 2018 ACJ 1441 (SC), is very clear. What this Court has laid down is that the amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If the amount so calculated is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these two amounts. Therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per the Schedule as was in existence before the amendment and on such basic figure reasonable rate of interest would be calculated. If there be any difference between the amount so calculated and the amount prescribed in the Schedule as on the date of the award, the higher of two figures would be the measure of compensation. For instance, in case of a death in an accident which occurred before amendment, the basic figure would be Rs.4,00,000/-. If, after applying reasonable rate of interest, the final figure were to be less than Rs.8,00,000/-, which was brought in by way of amendment, the claimant would be entitled to Rs.8,00,000/-. If, however, the amount of original compensation with rate of interest were to exceed the sum of Rs.8,00,000/- the compensation would be in terms of figure in excess of Rs.8,00,000/-. The idea is to afford the benefit of the amendment, to the extent possible. Thus, according to us, the matter is crystal clear."*

31. Applying the above principle, the applicants are entitled to interest at the rate of 7% per annum on the base compensation of Rs.4,00,000/-, as held by the Honourable Supreme Court in *Kamukayi's case* (supra), from the date of filing of the application, i.e., 17.06.2015, till the date of this judgment, i.e., 08.04.2026, which period comes to ten years and nine months (129 months).

32. The interest amount payable for the aforesaid period is accordingly calculated as follows:

Rs.4,00,000/- × 7% = Rs.28,000/- P.A. i.e., Rs.2,333/- P.M.
Rs.2,333/- × 129 months = Rs.3,01,000/-.

33. Thus, the total amount payable on the basis of pre-amendment compensation together with interest works out to Rs.7,01,000/- (Rs.4,00,000/- + Rs.3,01,000/-).

34. Since the amount so calculated is less than the enhanced compensation of Rs.8,00,000/- prescribed under the amended Rules, the applicants are entitled to the higher amount of Rs.8,00,000/- in terms of the law laid down by the Honourable Supreme Court in *Radha Yadav's* case *(supra)*. Accordingly, the compensation payable to the applicants is determined at Rs.8,00,000/-.

CONCLUSION:

35. Keeping in view the totality of facts and circumstances of the case and the evidence available on record, this Court is of the considered view that mere assertion on the part of the respondent that the deceased committed suicide cannot, by itself, be sufficient to defeat a claim under Section 124-A of the Railways Act, 1989. The initial burden, which rested on the applicants, to establish that the deceased was a bonafide passenger and that his death occurred in an untoward incident, stood duly discharged through the consistent oral evidence of AWs 1 and 2, coupled with the contemporaneous documentary evidence under Exs.A1 to A3.

Upon such discharge, the burden shifted to the respondent Railways, to rebut the presumption by placing cogent and reliable evidence on record. However, except for a bald plea of suicide falling within the exceptions to Section 124-A of the Act, no substantive evidence has been adduced to probabalise such a defense. In the absence of any convincing material, the plea of self-inflicted injury or committing suicide remains unsubstantiated and cannot be accepted.

36. It is a settled principle of law that where two interpretations are reasonably possible, the interpretation which advances the object of a beneficial legislation must be preferred. The provisions of the Railway Act particularly Section 124-A, are intended to provide social security and compensation to victims of railway accidents and their dependants. The Honourable Supreme Court, in *Union of India v. Prabhakaran Vijaya Kumar*[10], has reiterated that provisions relating to compensation under the Railways Act must receive a liberal and purposive construction in favour of claimants.

37. In view of the principles laid down in the aforesaid decisions and having regard to the evidence on record, this Court is satisfied that the deceased was a bonafide passenger and that his death

[10] (2008) 9 SCC 527

occurred in an untoward incident within the meaning of Section 123 (c) of the Railways Act. The learned Railway Claims Tribunal, without proper appreciation of the facts, evidence, and settled legal position, erred in dismissing the claim application. The impugned order is therefore liable to be set aside, and the applicants are held entitled to compensation under Section 124-A of the Railways Act, 1989.

RESULT:

38. In the result:

(i) The Civil Miscellaneous Appeal is allowed.

(ii) The judgment dated 08.03.2019 passed by the Railway Claims Tribunal, Secunderabad Bench, Secunderabad, in O.A. II (U) No.180 of 2015 is hereby set aside.

(iii) Consequently, the claim application in O.A. II (U) No.180 of 2015 stands allowed and applicants are held entitled to compensation under Section 124-A of the Railways Act, 1989.

(iv) The applicants shall be entitled to a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) towards compensation.

(iv) The respondent Railways are directed to deposit the aforesaid compensation amount before the Railway Claims

Tribunal within a period of two (2) months from the date of receipt of a copy of this judgment.

(v) Upon such deposit, the applicants shall be entitled to equal shares in the compensation amount and are permitted to withdraw their respective shares without furnishing any security.

(viii) In the circumstances of the case, there shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 08.04.2026
AS