# Akabal Hussain And Another vs Union Of India And Another on 13 November, 2026



FAO No.2453 of 2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2453 of 2019 (O&M)

AKABAL HUSSAIN AND ANOTHER ...Appellants
Vs
UNION OF INDIA AND ANOTHER ...Respondents

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| 1 | The date when the judgment was reserved | 15.10.2026 |
| 2 | The date when the judgment is pronounced | 13.11.2026 |
| 3 | The date when the judgment is uploaded on the website | 13.11.2026 |
| 4 | Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced | Full |
| 5 | The delay, if any, of the pronouncement of full judgment, and reasons thereof. | Not applicable |

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Argued by: Mr. Narender Kaajla, Advocate and
Ms. Ankita Singh, Advocate
for the appellants.

Mr. Sandeep Bhatia, Sr. Panel Counsel, UOI
for respondent No.1.

Service qua respondent No.2 stands disposed with
fide order dated 25.09.2019.

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HARKESH MANUJA, J.

1. By way of present appeal under Section 23 of the Railway Claims Tribunal Act, 1987, challenge has been laid to the judgment dated 18.03.2019 passed by the Railway Claims Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal'), whereby the claim petition seeking compensation on account of death of Bhagelu son of Amire in an alleged untoward incident dated 28.04.2015 at Ambala Cantt Railway Station, was dismissed. The learned Tribunal also imposed MOHMED ATIK 2026.11.13 15:53 I attest to the accuracy and integrity of this document 2 FAO No.2453 of 2019 (O&M) special costs of Rs.50,000/- upon the claimants and directed an enquiry against the Divisional Railway Manager (DRM).

2. Briefly stating, the deceased, a resident of District Gonda, Uttar Pradesh, was returning from Ludhiana on 28.04.2015 by Train No.14674, Shaheed Express, along with his co-villager Uma Shankar, his wife Kanchan Lata and their daughter, on the strength of a joint Tatkal ticket bearing No.02568528, booked for four passengers in Coach SE-1. On account of heavy rush, they initially boarded Coach S-1. At Ambala Cantt Railway Station, while the deceased was attempting to board Coach SE-1, he fell on Platform No.1 and died on the spot.

3. The claim petition was contested by the respondent-Railways on the ground that the deceased was not a bona fide passenger, as no ticket was recovered from his person and the ticket produced by the claimants mentioned the name of 'Bhaglu', aged 27 years. It was further pleaded that the deceased died due to his own negligence while changing coaches.

4. The learned Tribunal decided Issues No.1 and 2 against the claimants, primarily observing that the ticket was planted in connivance with the police officials. It also drew an adverse inference from the fact that the passengers mentioned in the ticket belonged to a Hindu family, whereas the claimants were Muslims, and consequently dismissed the claim petition.

5. Learned counsel for the appellants contended that the findings recorded by the learned Tribunal were based on conjectures and surmises, particularly when AW-2 Uma Shankar, one of the passengers named in the ticket, appeared and supported the claimants' version. It was further submitted that the MOHMED ATIK 2026.11.13 15:53 I attest to the accuracy and integrity of this document 3 FAO No.2453 of 2019 (O&M) ticket was duly verified by the Railway authorities themselves and the contemporaneous GRP proceedings and medical evidence also corroborated the occurrence.

6. Per contra, learned counsel for the respondent-Railways, supported the impugned judgment.

7. I have heard learned counsel for the parties and gone through the paper-book.

8. The first question which arises for consideration is whether the deceased was travelling as a bona fide passenger. In this regard, AW-2 Uma Shankar categorically deposed that the deceased was travelling with them on the joint ticket and that the same was handed over to the police after the incident. His testimony finds corroboration from the GRP proceedings, wherein the statements of Uma Shankar, Kanchan Lata and the widow of the deceased, Chhapila, were recorded to the effect that the deceased travelled with them on the said ticket in Coach SE-1. Significantly, the ticket was produced before the police during the GRP proceedings on 29.09.2015, much prior to the institution of the claim petition. Further, the Railway's own inquiry report dated 12.07.2018 records that the Railway Information System Centre verified ticket No.02568528 and confirmed its validity for four passengers travelling from Ludhiana to Gonda. The report also acknowledges that the deceased was a reserved passenger of Coach SE-1. 8.1 In these circumstances, neither the mere non-recovery of the ticket from the deceased nor the discrepancy in the spelling of his name as 'Bhagelu' and 'Bhaglu' can be made the basis for rejecting the claim. The testimony of AW-2, the MOHMED ATIK 2026.11.13 15:53 I attest to the accuracy and integrity of this document 4 FAO No.2453 of 2019 (O&M) contemporaneous police record and the Railway's own verification sufficiently establish the deceased's journey. The reasoning adopted by the Tribunal regarding alleged connivance, particularly on the basis of the religious identity of the passengers, is wholly irrelevant and unsustainable. The Hon'ble Supreme Court in Union of India v. Rina Devi, (2019) 3 SCC 572, has also held that non-recovery of a railway ticket from the deceased's body, by itself, is not sufficient to reject a claim. Accordingly, the deceased is held to have been a bona fide passenger.

9. Coming to the question of untoward incident, the GRP proceedings record that the deceased alighted from Shaheed Express and was attempting to board another coach when he fell on the platform. The said version is supported by AW-2 and the Railway's own inquiry report. Further, the postmortem report revealed subdural haematoma, while the final medical opinion dated 02.11.2015 attributed the death to shock and haemorrhage resulting from head injury, sufficient to cause death in the ordinary course of nature. The initial observation regarding the possibility of an old ailment, recorded before completion of the medical examination, cannot prevail over the final medical opinion. There is no evidence to establish that the deceased died on account of any natural ailment. Thus, the material available on record sufficiently establishes that the deceased died due to an accidental fall while attempting to board the train. 9.1 Further, the contention raised on behalf of the respondent-Railways that the deceased was negligent in changing coaches is also devoid of merit. Section 124-A of the Railways Act, 1989, fastens liability upon the Railways irrespective of any wrongful act, neglect or default, subject to the exceptions contained in its proviso. Mere negligence on the part of a passenger does not fall MOHMED ATIK 2026.11.13 15:53 I attest to the accuracy and integrity of this document 5 FAO No.2453 of 2019 (O&M) within the said exceptions. The Hon'ble Supreme Court in Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527, and Jameela v. Union of India, (2010) 12 SCC 443, has reiterated the beneficial nature of the aforesaid provision. Accordingly, the deceased's death is held to have occurred in an untoward incident within the meaning of Section 123(c)(2) of the Act, attracting the liability of the respondent-Railways under Section 124-A thereof. The findings recorded by the Tribunal on Issues No.1 and 2 are, therefore, set aside.

10. As regards issue No. 3 the appellants, being sons of the deceased, fall within the definition of dependants under Section 123(b) of the Act. The GRP record also reflects that the deceased was survived by his widow and a married daughter. Their respective entitlements shall be considered in accordance with law at the stage of disbursement. Coming to the quantum, the accident took place on 28.05.2015, whereas the order of the learned Tribunal was passed on 18.03.2019. In view of the principles laid down by the Hon'ble Supreme Court in Rina Devi, (supra), and subsequently reiterated in Union of India v. Radha Yadav, (2019) 3 SCC 410, the compensation applicable on the date of the accident, together with reasonable interest thereon, is to be compared with the amount of compensation prescribed on the date of the award, and the higher of the two is

to be awarded. In the present case, the accident having occurred in the year 2015, the appellants would be entitled to compensation of Rs.4,00,000/- applicable at the relevant time, along with interest thereon, or Rs. 8,00,000/-, whichever is higher. In Rina Devi, (supra), while dealing with the question of interest under Section 124-A of the Act, the Hon'ble Supreme Court held in para 18 as under:

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> "18. As already observed, though this Court in Thazhathe Purayil Sarabi (supra) held that rate of interest has to be at the rate of 6% from the date of application till the date of the award and 9% thereafter and 9% rate of interest was awarded from the date of application in Mohamadi (supra), rate of interest has to be reasonable rate at par with accident claim cases.

We are of the view that in absence of any specific statutory provision, interest can be awarded from the date of accident itself when the liability of the Railways arises upto the date of payment, without any difference in the stages. Legal position in this regard is at par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner.

The appeal will stand disposed of accordingly."

The aforesaid principle makes it clear that interest is payable from the stage when the liability of the Railway Administration arises and continues till payment.

11. Accordingly, the present appeal is allowed. The impugned order dated 18.03.2019 passed by the learned Railway Claims Tribunal, Chandigarh Bench, is set aside. The appellants shall be entitled to compensation of Rs.4,00,000/- along with simple interest @ 9% per annum from the date of filing of the claim application till realization, or Rs. 8,00,000/-, whichever is higher, in terms of the principles laid down in Rina Devi (supra) and Radha Yadav (supra). The Railway Administration shall deposit the amount so determined, along with accrued interest, before the learned Tribunal within a period of three months from the date of receipt of a certified copy of this judgment. The learned Tribunal shall thereafter disburse the amount amongst the eligible dependants in accordance with law. In case the respondents fail to deposit the amount within the aforesaid period of three months, they shall be liable to pay interest @ 12% per annum on the amount MOHMED ATIK 2026.11.13 15:53 I attest to the accuracy and integrity of this document 7 FAO No.2453 of 2019 (O&M) payable from the expiry of the said period of three months till the date of actual realization.

12. Pending misc. application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

November 13, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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