



*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+C.M.A.NO. 159 OF 2021

% 11.09.2026

#Between:

N. Sri Rama Prasad and another

..... Appellants

\$And:

Union of India.

... Respondent

!Counsel for the Appellants

: Ms. Geetha Madhuri N.S

^Counsel for the Respondent

**: Mr. J.U.M.V. Prasad, learned Central
Government Counsel**

<Gist:

>Head Note:

? Cases referred:

1. (2019) 12 SCC 387
2. (2019) 3 SCC 572
3. (2024) 9 SCC 656
4. 2026 SCC OnLine SC 1350

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.M.A.NO. 159 OF 2021

N. Sri Rama Prasad and another

..... Appellants

And:

Union of India

....Respondent

DATE OF JUDGMENT RESERVED : 24.08.2026

DATE OF JUDGMENT PRONOUNCED : 11.09.2026

DATE OF JUDGMENT UPLOADED : 15.09.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may
be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be marked
to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair
copy of the Judgment? Yes/No

JUSTICE BALAJI MEDAMALLI

Date of reserved for Judgment : 24.08.2026
Date of pronouncement : 11.09.2026
Date of uploading : 15.09.2026

APHC010232782021



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

FRIDAY, THE 11th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 159 OF 2021

Between:

1. N.Sri Rama Prasad, S/o Late Veeranna, aged about 44 years, Occ. Medical Agency, R/o D.No.28-8-4, Papulavari Street, Ward No.24, Tanuku, West Godavari District - 534211
2. N.Venkata Kanaka Durga, R/o D.No.28-8-4, Papulavari Street, Ward No.24, Tanuku, West Godavari District - 534211

...Petitioners

AND

1. Union of India, rep., by its General Manager, South Central Railway, Secunderabad.

...Respondent

Appeal Under Section 23 of Railway Tribunal Act against judgment dt.27.11.2020 in OAI (U) No.203 of 2012 on the file of the Railway Claims Tribunal, Amaravati Bench at Guntur, and prayed to allow the appeal and pass such other order or orders as this Hon'ble Court.

Counsel for the Petitioners: GEETHA MADHURI N S

Counsel for the Respondent J U M V PRASAD (CENTRAL GOVT. COUNSEL)

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 159 OF 2021

J U D G M E N T:

1. This Civil Miscellaneous Appeal is filed against the Judgment dated 27.11.2020 passed in O.A.II(U).No.203 of 2012 on the file of Railway Claims Tribunal, Amaravati Bench, at Guntur (hereinafter referred to as “Tribunal”).
2. For the sake of convenience, the parties shall be referred to as they are arrayed before the Tribunal.
3. Brief facts of the case are that the deceased was resident of Tanuku and had completed his Engineering course. He was a bachelor. With a view to visit his paternal uncle at Pinninty Village, Srikakulam District, he went to Tanuku Railway Station along with his father during the intervening night of 28/29.03.2012. His father purchased a passenger train journey ticket from Tanuku to Visakhapatnam, and the deceased boarded Train No.57229 on 29.03.2012 and commenced his journey in the presence of his father. After the departure of the train, his father returned from the Railway Station. While travelling in the train, due to heavy rush of passengers in the compartment, the deceased suddenly slipped and accidentally fell from the train at Tuni Railway Station, between Platform No.2 and the train, due to the sudden jerks of the running train. As a result, he was dragged by the train and sustained severe crush injuries to both his legs and hand, which were cut and separated by the wheels of the running train. Immediately, he was shifted to the

Government Central Hospital, Tuni, in a 108 Ambulance by the concerned Railway Station staff and officials through the Railway Police. However, on examination, he was declared dead by the Duty Doctor in the early hours of 29.03.2012. Hence, the Claimants/applicants filed the Claim Petition seeking compensation from the Respondent.

4. The Respondent/Railway Administration contested the claim by filing a Written Statement and denied all the allegations made in the Claim Petition. The respondent denied that the deceased was a *bona fide* passenger and that deceased while attempting to get into the moving train from off-side, fell down and sustained injuries, and hence the injuries sustained are self-inflicted, for which, no compensation was payable.

5. Basing on the pleadings of the parties, the Tribunal framed the following issues for consideration:

- i. *Whether the Applicant(s) is/are dependent(s) of the deceased?*
- ii. *Whether the deceased was a bona fide passenger of the train in question and died as a result of an untoward incident?*
- iii. *Whether the Applicant(s) is/are entitled to the compensation as claimed and to what relief?*

6. Applicant No.1 filed his affidavit in evidence and was examined as AW.1, and Exs.A1 to A5 were marked on behalf of the applicants. Respondent filed the Divisional Railway Manager's Report, which was marked as Ex.R1.

7. While answering issue No.1, the Tribunal held that the applicants are the parents of the deceased. As per Ex.A5, the Family Member Certificate

issued by Tahsildar, Tanuku, the relationship of the applicants with the deceased was duly established. Accordingly, the issue was answered holding that the applicants, being the parents of the deceased, are dependents within the meaning of Section 123(b) of the Railways Act.

8. While answering Issue Nos.2 and 3, the Tribunal, taking note of the fact that no journey ticket was found in the possession of the deceased, held that the deceased was not a *bona fide* passenger and that the incident could not be treated as an “untoward incident”. Accordingly, the Tribunal dismissed the claim petition. Aggrieved by the same, the present Civil Miscellaneous Appeal has been filed.

9. Heard Ms.Geetha Madhuri N.S, learned counsel for the appellants, and Ms.B.Mounika, learned counsel representing Mr.J.U.M.V.Prasad, learned Central Government Counsel, appearing for the respondent.

10. Learned counsel for the appellants submits that the Tribunal has grossly erred in holding that the deceased was not a *bona fide* passenger and that his death was not due to an untoward incident. It is contended that the Tribunal, without properly appreciating the applicability of the relevant provisions of the Railways Act, dismissed the claim of the appellants.

11. Learned Central Government Counsel appearing for the respondent submits that under Section 123(c) of Railways Act, the deceased was not a *bona fide* passenger and the Divisional Railway Manager’s report clearly says that while the deceased was getting into train (off-side of train), he fell down

and sustained injuries, as such, he is not entitled for any compensation and he has not carrying any ticket, and therefore, he is not a *bona fide* passenger and prayed to dismiss the appeal.

12. The contention of the learned counsel for the appellants is that the Tribunal erred in dismissing the claim of the applicants on the ground that the deceased was not a *bona fide* passenger, and the deceased died due to sudden jerks and sustained severe multiple injuries, resulting in his death. It is further contended that the journey ticket might have been lost during the accident and in the course of shifting the deceased from the place of occurrence to the hospital, particularly as the deceased was handled by many persons and agencies.

13. Learned counsel for the appellants also contended that the observations made by the learned Tribunal are based on presumptions and as well as depended upon the report of the Divisional Railway Manager (DRM). During the inquest, the deceased was found in possession of certificates, cell phones, cash, visiting cards, all of which were found intact. Therefore, there is a chance of deceased not buying a ticket itself is presumption drawn basing on the Divisional Railway Manager's report. In fact, all the items which are mentioned are found in a bag carrying by the deceased, whereas, the missing of ticket is concerned, it is not the case that it was kept in bag or so, as such, there is no basis for the same.

14. Learned counsel for the appellants placed reliance on various judgments of Hon'ble Apex Court apart from placing reliance on the Railway Passengers (Manner of Investigation of Untoward Incidents) Amendment Rules, 2007. While placing reliance on the above said rules, she relied upon Rule 7, which provides for conducting of investigation and submission of report by the force, which reads as follows:

"7. Conducting of investigation and submission of report by the Force:-

(1) On receipt of an information under rule 6, an officer of the Force, shall carry out the investigation and shall, -

i. obtain copies of the inquest report, post mortem report and Jama Talashi report from the police investigating the incident;

ii. obtain a copy of the report specified under clause (iii) of rule 6;

iii. obtain information about the untoward incident in Form-2;

iv. record statement of additional witnesses, if so required

v. collect any other evidence required by the circumstances of the case;

(2) The officer of the Force, shall complete the investigation within sixty days and submit a report to the authority specified under sub-rule (2) of rule 10."

15. Placing reliance on the above, learned counsel for the appellants submits that, upon receipt of information under Rule 6, the officer of the Force shall complete the investigation within sixty days and submit a report to the authority specified under sub-rule(2) of Rule 10. Based on the said report, under Rule 10(3), the Divisional Security Commissioner shall submit the report to Divisional Railway Manager within fifteen days thereof.

16. Learned counsel for the appellants submits that the report was submitted more than one year after the claim was made before the Tribunal and the investigation was not properly done, and neither the Divisional Railway Manager nor the officer of the Force properly conducted the investigation insofar as the death or other aspects of the deceased are concerned, and have simply filed the report after filing of the Claim Petition before the Tribunal.

17. Learned counsel for the appellants places reliance on the judgment of the Hon'ble Apex Court in ***Kalandi Charan Sahoo and another V. General Manager, South-East Central Railways, Bilaspur***¹, wherein the Hon'ble Apex Court held that it is not even necessary to go into the issue as to whether it was the fault of the deceased or that he accidentally fell down under Section 124-A of the Railways act, 1989, which warrants payment of compensation whenever untoward incident occurs whether or not such an incident has occurred by any wrongful act, neglect or default on the part of the railway administration. Going by the aforesaid provisions and in peculiar facts of the case, where no inquiry as mandated by the Rules was conducted immediately after the incident had occurred. The Hon'ble Apex Court held that the appellants are entitled for compensation payable under Section 124-A of the Railways Act. At paragraph 5, it was held as follows:

"5. After hearing learned counsel for the parties, we find that it is not even necessary to go into the issue as to whether it was the fault of the deceased or that he accidentally fell down. Learned

¹ (2019) 12 SCC 387

counsel for the appellants has drawn our attention to the provisions of Section 124A of the Railways Act, 1989, which warrants payment of compensation whenever untoward incident occurs whether or not such an incident has occurred by any wrongful act, neglect or default on the part of the Railway administration. Going by the aforesaid provisions and in the peculiar facts of this case, where no inquiry as mandated by the Rules was conducted immediately after the incident had occurred, we are of the view that the appellants shall be entitled to compensation payable under Section 124A of the Railways Act, 1989. We are informed that, at the material time, compensation payable under the said provision was Rs.4 lakhs.”

18. Learned counsel for the appellants also places reliance on the judgment of the Hon’ble Apex Court in ***Union of India V. Rina Devi***², wherein it was held that 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. At paragraph 29, it was held as follows:

“29. 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.”

² (2019) 3 SCC 572

19. Learned counsel for the appellants also places reliance on the above judgment with regard to the concept of 'self-inflicted injury' as the averment that the accident was happened while entering into moving train. At paragraph 25, it was held as follows:

"25. We are unable to uphold the above view as the concept of 'self inflicted injury' would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on 'no fault theory'. We may in this connection refer to judgment of this Court in United India Insurance Co. Ltd. versus Sunil Kumar laying down that plea of negligence of the victim cannot be allowed in claim based on 'no fault theory' under Section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor."

20. In detailing with concept of 'self-inflicted injury' would require the intention to inflict such injury and not mere negligence of any particular degree, and accordingly, the Hon'ble Apex Court held that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and the Hon'ble Apex Court also considered the burden of proof when body found on railway premises is lies with the Railway Department. However, such onus can shift on Railways if an affidavit is filed by the claimant. A negative onus cannot be placed on the Railways. Onus to prove that the deceased or injured to be *bona fide* passenger even in absence of a ticket if relevant facts are shown that ticket was purchased and it was lost.

21. In the instant case, the claimants have placed the facts regarding the purchase of ticket by the father of the deceased, and the said fact was pleaded, as such, the department is required to rebut the same.

22. Learned counsel for the appellants would also place reliance on the judgment of the Hon'ble Supreme Court in ***Doli Rani Saha V. Union of India***³, wherein, at paragraphs 14 to 16, it was held as follows:

“14. The High Court later dismissed the review petition preferred by the appellant. It held that:

a. The material facts as well as the questions of law had been considered in the judgment under review; and

b. The report of the IO was based on a “secret enquiry” conducted by him. The IO did not disclose the material facts which led him to conclude that the deceased was travelling in the train. Further, he was not examined. The opinion of the IO, as recorded in his report, was therefore not substantiated.

Therefore, the High Court concluded that the appellant had not made out a case that there was an error apparent on the face of the record.

C. The errors in the judgments of the Railway Claims Tribunal and the High Court

15. From the recapitulation of the various judicial pronouncements leading to the present appeal, it can be seen that the primary issue is whether the deceased was travelling on the train in question. In Rina Devi (supra), a two-Judge Bench of this Court considered the question of the party on which the burden of proof will lie in cases where the body of the deceased is found on railway premises. This Court held that the initial burden would be on the claimant, which could be discharged by filing an affidavit of the relevant facts. Once the claimant did so, the burden would then shift to the Railways. Significantly, it also held that the mere absence of a ticket would not negate the claim that the deceased was a bona

³ (2024) 9 SCC 656

fide passenger. The relevant extract from the ruling of the Court is reproduced below:

“29. 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.” (emphasis supplied)

16. In the present case, the appellant had duly filed an affidavit stating the facts and adverting to the report arising from the investigation conducted by the respondent, which showed that the deceased was travelling on the train and that his death was caused by a fall during the course of his travel. The burden of proof then shifted to the Railways, which has not discharged its burden. Therefore, the presumption that the deceased was a bona fide passenger on the train in question was not rebutted.”

23. Placing reliance on the above, learned counsel for the appellants submits that, once an affidavit is filed stating the facts and adverting to the report arising from the investigation conducted by the respondent, which shows that the deceased was travelling on the train and that his death was caused by falling during the course of his travel. The burden of proof then shifted to the Railways, which has not discharged its burden. Therefore, the presumption that the deceased was a *bona fide* passenger in train was not rebutted, and also placing reliance on **Rina Devi**'s case (supra 2), the claimants would be entitled for compensation and interest from the date of

accident, and in case, the amount calculated is less than the amount prescribed as on the date of grant of compensation, the claimants would be entitled to higher of the two amounts i.e., either four lakhs with interest or eight lakhs, whichever is higher as per the notification in G.S.R.1165(E), dated 22.12.2016, and requested to grant compensation to the claimants.

24. Learned counsel for the appellants also placed reliance on the judgment of the Hon'ble Supreme Court in ***Lata V. Union of India and another***⁴, wherein the Hon'ble Apex Court held that, had the provisions of the Manual referred thereto been followed, there would be records of the deceased's ticket having been checked even before he entered the train and putting the main question whether the deceased was a ticketless traveler and thereby disentitling him to compensation, saving his family members the effort of having to carry the matter all the way up to the Hon'ble Supreme Court. At paragraphs 14 and 15, it was held as follows:

"14. All of these aspects from the Manual, become important. It is not the pleaded case of the respondent that he was standing on the foot-board (entry gate). Had the provisions of this Manual been followed, there would be records of the deceased's ticket having been checked even before he entered the train, putting to rest the main question of whether the deceased was a ticketless traveller and thereby disentitling him to compensation, saving his family members the effort of having to carry the matter all the way up to this Court.

15. Perhaps it was such similar cases before the High Court(s) that led them to recognise and underscore the issue of overcrowding. Mechanisms are in place to deal with the problem. Specific responsibilities have been cast upon responsible officers of the Railways to check the issue of overcrowding among other things.

⁴ 2026 SCC OnLine SC 1350

The forethought is clearly visible, but the execution leaves much to be desired.”

25. In view of the law laid down in the decision of **Rina Devi**'s case (supra 2) and the judgment of the three-Judge Bench of the Hon'ble Supreme Court in **Doli Rani Saha V. Union of India** (supra 3), merely because the journey ticket was not found in the possession of the deceased will not change his status as a *bona fide* passenger and directed to pay the compensation.

26. Following the judgments of the Hon'ble Apex Court referred to above, a Coordinate Bench of this Court, in C.M.A.No.234 of 2019, dated 26.02.2026, had passed an order, wherein similar issue fell for consideration as to whether the passenger is *bona fide* passenger or not and the accident is an 'untoward incident'. Upon consideration of the said issue, this Court had passed an order holding that the respondent failed to establish whether the injured/deceased is not a *bona fide* passenger. Once the claimants had discharged their burden by filing an affidavit by relevant facts, the respondent/ Railways is under obligation to pay the compensation.

27. Considering the above facts and circumstances of the case and as per the above referred circular regarding payment of compensation, this Court is of the considered opinion that the applicants/appellants are entitled to of compensation. The impugned judgment dated 27.11.2020 passed in O.A.II(U).No.203 of 2020 by the Tribunal is hereby set aside. The appellants/applicants are entitled to claim compensation of Rs.8,00,000/-. The appellants are entitled to claim compensation in equal shares.

28. Accordingly, the Civil Miscellaneous Appeal is ***allowed***, directing the respondent, to pay a sum of Rs.8,00,000/- towards compensation to the appellants/applicants/claimants for the death of deceased, within a period of two months from the date of receipt of a copy of this order. The amount shall be apportioned equally to the appellants. No order as to costs.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 11.09.2026
BMS / SAK

Whether the judgment is:

Speaking	☒	Reasoned	☒
Reportable	☒	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 159 OF 2021

Date: 11.09.2026

SAK