



2026:AHC-LKO:19503

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 225 of 2019

Lal Ji (dead) And Another

.....Appellant(s)

Versus

Union Of India Throu.General Manager North
Eastern Railway G

.....Respondent(s)

Counsel for Appellant(s)	: Manish Kumar Srivastava, Pradeep Kumar Singh
Counsel for Respondent(s)	: Kailash Narain Srivastava

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. The instant appeal has been preferred against the judgment and order dated 23.10.2018 passed by the Railway Claims Tribunal Lucknow Bench, Lucknow in Case No.OA/II/U/506/2012.

2. Brief facts of the case is that on 25.05.2012 one Ram Kumar Gupta was travelling from Sitapur to Bareilly in Ruhailkhand Express Train. While travelling, he accidentally fell off the train near Bareilly Junction and sustained serious injuries and died on the spot. Thereafter, an F.I.R. was lodged, inquest was made and the post mortem was also conducted. The father of the deceased Mr. Lalji had preferred a claim petition before the Railway Claims Tribunal, Lucknow Bench, Lucknow. During the pendency of the claim petition, the claimant died on 25.05.2013 thereafter her daughter had filed a substitution application which was allowed however, the Tribunal vide order dated 23.10.2018 dismissed the claim petition holding that daughter of the claimant was not dependent wholly or partially on the deceased passenger. This order has been assailed by the appellant by filing the instant appeal.

3. Learned counsel for the appellants submits that Lal Ji father of the deceased had filed a claim petition as a dependent. During the pendency of the claim petition, Lal Ji passed away and the only legal heir who was her daughter filed a substitution application which was allowed. The counsel for the appellants further submits that the claim compensation does not get abated on the death of the claimant/dependent. To buttress his argument, he

has placed reliance on the judgment passed by this Court in **First Appeal From Order No.320 of 2016 (Suneel Kumar vs. Union of India)**.

4. Mr. Raj kumar Singh, learned counsel for respondent opposes the aforesaid contention of appellant.

5. Heard Mr. Manish Kumar Srivastava, learned counsel for the appellants and Mr. Raj Kumar Singh, learned counsel for the respondent and perused the record.

6. It is made clear that Ram Kumar Gupta son of Late Lalji was travelling from Sitapur to Bareilly in Ruhailkhand Express Train when he was about to reach Bareilly he fell off the train and was grievously injured and succumb to his injuries. A claim was filed by Lalji (father of the deceased) who was a dependent. During the pendency of the claim petition Lalji had also passed away and thereafter her only daughter had filed a substitution application.

7. Now the question is whether the claim can be denied when a dependent of a deceased who had preferred a claim petition, passes away during the pendency of the claim petition. Can the legal representatives be brought on record to pursue the claim filed by the claimant.

8. This Court in **Suneel Kumar** (supra) has held as under:-

*"25. It is pertinent to mention here that the Railway Claims Tribunal (Procedure) Rules, 1989 gives a clear indication justifying that the right to claim compensation by a dependent **does not get abated or extinguished on the death of the dependent.**"*

9. The Railway Claims Tribunal (Procedure) Rules, **1989 clearly indicates that there can be substitution of a deceased party to the proceedings by his legal representatives.** The same reads as under:-

*"26. Substitution of legal representatives.--(1) In the case of death of a party during the pendency of the proceedings before Tribunal, the legal representatives of the deceased party may apply within ninety days of the date of such death for being brought on record.
(2) Where no application is received from the legal representaves within the period specified in sub-*

*rule(1), the proceedings shall abate:
Provided that for good and sufficient reasons shown,
the Tribunal may allow substitution of the legal
representatives of the deceased."*

10. From perusal of Rule 26, it is clear that it applies to all claims made by the applicants under Section 125 including dependents who stake the claim under Section 125(1)(d) of the Railways Act, 1989. That being so, Rule 26 is, therefore, a clinching indication that the law did not expect the claim of dependent/claimant to come to an end on the death of such dependent/claimant. If the legal heirs under Rule 26 can get impleaded and substituted to continue the claim, there can be no justification for the theory that the claim ends or dies with the dependent/claimant."

11. In view of aforesaid facts and circumstances of the case, the appeal is **allowed**. The impugned order dated 23.10.2018 is set aside.

12. The matter is remanded back to the Tribunal concerned to decide afresh.

13. Since the claim is of the year 2012, the Tribunal concerned is requested to decide the matter expeditiously.

March 17, 2026
Saurabh Yadav/-

(Prashant Kumar,J.)