



2026:AHC-LKO:21611

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 188 of 2017

Union Of India Thru. Gen. Manager Northern
Railway New Delhi

.....Appellant(s)

Versus

Jaya Sharma And 2 Others

.....Respondent(s)

Counsel for Appellant(s) : Alok Sharma, Harsha Yadav,
Manendra Nath Rai

Counsel for Respondent(s) :

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. Heard Ms. Harsha Yadav, learned counsel for the appellant and perused the record.
2. None appears on behalf of the respondents despite service of notice.
3. The present First Appeal From Order has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment and award dated 27.10.2016 passed in Case No.OA/II/U/33/2008 passed by the Railway Claims Tribunal, Lucknow awarding the compensation of an amount of Rs.4.00 Lakhs in favour of respondents/claimant along with interest at the rate of 6% w.e.f. 18.01.2008.
4. The factual matrix of the matter is that on 22.12.2007, the deceased, Sunil Sharma while he was travelling from Lucknow to Kanpur Central on a second class ticket in Train No.4123-Intercity Express accidentally fell down near Manak Nagar Railway Station, Lucknow and sustained serious injuries and subsequently died on the spot. During course of the accident, his bag, rail ticket and some money of the deceased was lost.
5. Thereafter, the family members of the deceased filed a claim petition before the Railway Claims Tribunal, Lucknow, seeking

compensation of Rs. 8,00,000/-. The Tribunal after perusing the pleadings and hearing the counsel for the parties framed the following issues:

"1. Whether the deceased was a bonafide passenger of the train in question?

2. Whether incident of the death of the deceased falls Section 124(A) of the Railways Act 1989 ?

3. Whether the applicant is only dependent of the deceased?

4. To what Relief ?"

6. The Tribunal after considering all the materials available on record and hearing the parties came to the conclusion that the deceased was a bonafide passenger though the ticket was lost in the accident and the death so happened falls under the ambit of Section 124(A) of Railways Act 1989 and accordingly granted a compensation of Rs.4,00,000/- along with interest vide judgment and order dated 27.10.2016. This order has been assailed by the appellant-Union of India by means of instant appeal.

7. Ms. Harsha Yadav, learned counsel for the appellant submits that no rail ticket was found with the deceased and she further submitted that during the investigation, it was found that the deceased was not a passenger but was crossing railway line when the accident occurred.

8. Heard learned counsel for the parties and perused the record.

9. As far as the first argument is concerned, holding a valid rail ticket is not necessary if the same is supported by the evidence. In the present case, the brother of the deceased has given an affidavit that he has seen the deceased buying the rail ticket. The Hon'ble Supreme Court in the matter of ***Union of India vs. Rina Devi reported in [2019 (3) SCC 572]***, decided on 09.05.2018, has held that:-

"However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bonafide 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."

10. As far as the second argument is concerned, the Tribunal has come to the finding that the argument raised by the appellants is not covered under the ambit of proviso of Section 124(A) of the Railways Act 1989. The Hon'ble Supreme Court in the matter of ***Union of India Vs. Prabhakaran Vijaykumar and others*** reported in **(2008) SCC 527**, has held that Section 124 (A) of the Railways Act 1989, lays down strict liability or no fault liability in case of railway accidents. The same has also been affirmed by the Hon'ble Supreme Court in the case of ***Union of India vs. Rina Devi (Supra)***.

11. Accordingly, both the argument raised by learned counsel for the appellant has no substance in the instant case and the same cannot be considered.

12. In view of the aforesaid facts and circumstances, I see no illegality or impropriety in the impugned order dated 27.10.2016 passed by the Railway Claims Tribunal, Lucknow.

13. The instant appeal *sans* merits and the same is accordingly dismissed.

March 24, 2026
Arjun/-

(Prashant Kumar,J.)