IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. of 2025
(@SLP(C) No.7188/2024)

SHRIKUMAR GUPTA & ANR. **APPELLANTS**

VERSUS

UNION OF INDIA **RESPONDENT**

O R D E R

1. Heard.

2. Leave granted.

3. Shravan Kumar Gupta @ Betal Gupta, who was aged about 23 years, expired on account of injuries sustained in railway accident that occurred on 29.05.2013. Hence, his parents namely father and mother sought for award of compensation by filing a claim petition under Section 16G of the Railway Claims Tribunal Act, 1987 (hereinafter referred to as 'Tribunal Act') before the Railway Claims Tribunal.

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Reason:

4. The respondent-Railways contested the matter by filing a detailed reply by specifically contending that death occurred on account of negligence attributable to the deceased himself or in other words, it was self-inflicted injury and by relying upon proviso to Section 124A Clause (a) and (b) they attempted to staved off the claim. The tribunal after considering the pleadings, and evaluating oral and documentary evidence, rendered a divergent opinion on 13.04.2018, resulting in matter being referred to the Chairman of the Railway Claims Tribunal, who rendered an opinion in favour of the claimants by holding that deceased had purchased a ticket and was traveling in a wrong train and hence he was held to be a *bona fide* passenger.

5. As regards the plea of the Railways that the deceased having jumped from the train at Maihar as he had purchased a ticket to travel from Satna to Maihar and said train, namely, Godan Express (Train No.11056) had no stop at Maihar Station and to get down at the said station, he would have jumped from the running train, was a plea, which was not proved but rightly held by the third Judge that such situation cannot be visualized being an accepted proposition resulted in claim petition being allowed. In

other words, the majority opinion being in favour of the claimant, the claim petition came to be allowed and compensation of Rs.4.00 Lakhs to each of the claimant.

6. The respondent-railways being aggrieved by the said finding assailed the same before the High Court in first appeal by filing an appeal under Section 23 of the Tribunal Act. By allowing the same and the claimants were directed to re-deposit the 50% of the award amount which had already been paid to them. It is an undisputed fact that 50% of the award amount, namely, Rs.4,00,000/- (Rupees Four Lakhs) which had been paid by the Union of India to the claimants by order dated 23.02.2022 has been re-deposited or repaid by the claimants. Being aggrieved by the order passed by the High Court, the claimants are before this Court.

7. It is the contention of the learned counsel appearing for the claimants that finding of fact recorded at by the two Judges whereunder it came to be held in favour of the claimants was a reasonable finding based on proper appreciation of evidence, both oral and documentary, and the third Judge, who differed with the views of the judicial members, has proceeded on tangent inasmuch as

hyper technicalities has been allowed to play a pivotal role in the said reasoning and as such findings recorded by differing members of the tribunal ought not to have been accepted by the High Court and this erroneous finding having been accepted by the High Court has resulted in miscarriage in the administration of justice. Hence, he has prayed for majority of the opinion rendered by the tribunal members be accepted and claim petition be allowed.

8. Per contra Mr. Brijender Chahar, learned ASG appearing for respondent-railways would support the impugned order and contend that deceased had purchased a ticket to travel from Satna to Maihar, the place where the deceased was to get down as it was his native place and obviously on account of having boarded a wrong train and realising his mistake and in the haste of alighting at the station where he intended to alight, had jumped from the running train resulting in injuries being sustained and his act of neglect is attributable to himself and as such the Clause (b) of proviso to Section 124A of the Act would absolve the Railways to indemnify the claim as the death was caused due to self-negligence and cannot result in the railway authorities indemnifying the claim. Hence, he has prayed

for dismissal of the appeal.

9. Having heard the learned counsel appearing for the parties and on perusal of the records, it would reveal that there was no dispute to the fact that the deceased having purchased a valid ticket to travel from Satna to Maihar. On the relevant date i.e. on 29.05.2013 another express train has also entered the platform in which the deceased was standing and by mistake obviously having seen the train having arrived at the same platform he has boarded the train to travel to Maihar. In fact said express train also passed through Maihar. However, the deceased not being well conversant with these details obviously under mistaken notion has boarded the express train. The DMR Report would also indicate that the deceased had in fact purchased a railway ticket and had expired due to the injuries sustained in the railway accident. It was for this precise reason that both the members of the tribunal held in favour of the claimants, by arriving at a conclusion that deceased was a *bona fide* passenger. Merely because the deceased had boarded a wrong train, it cannot be construed that he was not a *bona fide* passenger so as to absolve the railway authorities from contending that deceased not being a *bona*

fide **passenger.**

10. Insofar as the contention or the plea put forward by the railways that deceased had sustained injuries on account of his own act, though, at first blush looks attractive, we are not inclined to accept the same for the simple reason that no sane person could have attempted to deboard or alight from a running train that too an express train. 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.

11. In that view of the matter, the finding recorded by the High Court contrary to the finding of fact recorded by two members of the Railway Claims Tribunal would not stand the test of law.

12. For the reasons aforestated, we are of the considered view that the appeal deserved to be allowed. Accordingly, the appeal is allowed. The impugned order dated 20.03.2023 is hereby set aside.

13.The amount of compensation as ordered by the Railway Claims Tribunal, namely, a sum of Rs.8,00,000/- (Rupees Eight Lakhs) is ordered to be paid to the claimants, namely, the parents of the deceased and apportioned in the manner ordered by the tribunal which amount shall carry interest @9% from the date of original award till the date of payment or deposit. The respondent(s) shall transfer the said amount to the accounts of the appellant(s), details of which is said to have been already furnished by the claimants, either by NEFT or RTGS or such other mode as the authorities deem fit within an outer limit of three months from today.

14. It is made clear that the aforestated order is passed in the peculiar facts obtained in this case, namely, the deceased having boarded a wrong train.

15. Pending application(s), if any, shall stand disposed of.

.....J.
[ARAVIND KUMAR]

.....J.
[N.V. ANJARIA]

New Delhi;
04th November, 2025

ITEM NO.31 COURT NO.15 SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7188/2024

[Arising out of impugned final judgment and order dated 20-03-2023 in MA No. 2216/2019 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

SHRIKUMAR GUPTA & ANR. Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

IA No. 61330/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 119963/2024 - EXEMPTION FROM FILING O.T.
IA No. 61331/2024 - EXEMPTION FROM FILING O.T.

Date : 04-11-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :
Mr. Talha Abdul Rahman, AOR
Ms. Rupali Samuel, Adv.
Mr. M Shaz Khan, Adv.
Mr. Sudhanshu Tewari, Adv.
Ms. Aditi Soni, Adv.
Mr. Rafid Akhter, Adv.
Mr. Faizan Ahmed, Adv.

For Respondent(s) :

Mr. Brijender Chahar, A.S.G.
Mr. B.K.Satija, Adv.
Mr. Yashraj Bundela, Adv.
Mr. Anuj Srinivas Udupa, Adv.
Mr. Dheeraj Jain, Adv.
Ms. Mili Baxi, Adv.
Mr. Amrish Kumar, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.

2. Appeal is allowed in terms of the Signed Order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)