



2026:DHC:7522



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 24.08.2026
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CNR No. DLHC010437672022

+ **FAO 297/2022**

KAMLESH KUMARI

.....Appellant

Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIA

.....Respondent

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Shailendra Kumar and
Ms. Upanita, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the impugned judgment dated 29.06.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application No. OA II(u)/DLI/580/2021, whereby the claim application filed by the appellant seeking compensation for the injuries allegedly suffered in an "untoward incident" was dismissed.



2. The brief facts of the case, as set up before the Tribunal, are that on 11.04.2019, the appellant purchased a railway ticket for travelling from *Kampil Road* to *Kasganj* by Train No.55331 (*Farrukhabad-Kasganj* Passenger Train). It is her case that she boarded the train from Platform No.1 at *Kampil Road* Railway Station and, due to heavy rush and jostling of passengers, was standing near the door of the compartment. According to her, when the train jerked, her foot slipped and she fell between the train and the platform. She suffered grievous injuries, including amputation of her left arm, fractures of the right arm and hip and head injuries requiring 17 stitches.

3. Learned counsel for the appellant contended that the appellant had produced the original journey ticket, which was also verified, and that the GRP entry recorded that a woman had fallen at Platform No.1 at about 05:50 hours. It was further submitted that the Loco Pilot's notebook was unreliable as the relevant entry appeared on the reverse side of the page dated 10.04.2019 and that the DRM inquiry had been conducted subsequently. Reliance was placed upon "*Union of India v. Rina Devi*"¹ and "*Union of India v. Prabhakaran Vijaya Kumar*"².

4. Learned counsel for the respondent submitted that the record consistently shows that the appellant "came in front of Train No.55331" while it was entering Platform No.1. It was submitted that the train had not departed from *Kampil Road* at the relevant time and, therefore, the appellant's version that she had boarded the train and thereafter fallen from it is not borne out from the record. The

¹(2019) 3 SCC 572

²(2008) 9 SCC 527



respondent has relied upon the Railway records and the statement of the Loco Pilot, Sh. *Rameshwar Prasad Meena*, who was examined before the Tribunal as RW-1 and also produced the original Loco Pilot's notebook.

5. Admittedly, the appellant has produced journey ticket bearing No.73776016, which is stated to have been purchased on 11.04.2019 for the journey from *Kampil Road* to *Kasganj*, however, that by itself does not conclude the matter. The ticket may establish the intended journey, but the appellant still had to establish that she was travelling in the train in question and that the injuries suffered by her arose out of an occurrence covered by Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the "Act").

6. The appellant's entire claim rests upon the assertion that she had "already boarded Train No.55331" and had fallen from it due to the rush and jostling of passengers when the train jerked, however, on the other hand, the Loco Pilot, Sh. *Rameshwar Prasad Meena*, who was examined before the Tribunal as RW-1, has specifically stated that he was on duty on Train No.55331 on 11.04.2019, and the said train reached *Kampil Road* at 05:52 hours and departed at 06:10 hours. He further deposed that while the train was entering Platform No.1, one woman "intentionally jumped in front of the engine" and in support of his testimony, he produced the original Loco Pilot's notebook.

7. It is pertinent to note that the objection regarding the placement of the entry in the Loco Pilot's notebook was considered by the Tribunal. The relevant entry is on the reverse side of the page dated 10.04.2019, whereas the entries pertaining to 11.04.2019 appear on the



other side. The Loco Pilot has specifically explained this position and clarified that “06:07” was the time of the entry and not the date. There is nothing in his cross-examination which would render this explanation inherently improbable. The mere fact that different portions of the entry were written with different pens is also explained by his statement that the relevant portion was written by the Assistant Loco Pilot.

8. More importantly, the said version is duly supported by the timing of the train and the contemporaneous Station records, including the testimony of Sh. *Rakesh Kumar*, the Station Superintendent of *Kampil Road*. Additionally, the Guard, *Anil Kumar Singh*, also relayed a memo on 11.04.2019 itself recording that a woman had “jumped in front of Train No.55331”.

9. Significantly, the timing of the train also assumes significance as the train reached *Kampil Road* at 05:52 hours and departed at 06:10 hours, whereas the Loco Pilot’s entry is of 06:07 hours. Thus, the occurrence, though took place after the arrival of Train No.55331 at *Kampil Road*, but before its departure from the station. The Railway records, therefore, do not support the sequence pleaded by the appellant that she had boarded the train and thereafter fell from the moving train.

10. The decision in *Rina Devi* (supra), relied upon by the appellant, also does not alter the position. It is, though, well settled that an accidental fall in the course of boarding or de-boarding a train can constitute an “untoward incident”. However, the applicability of that principle is contingent upon the foundational fact of boarding or de-



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boarding being established. In the present case, the material on record does not establish that the appellant had boarded Train No.55331 and had thereafter fallen from it.

11. Taking all these factors into account, this Court finds that the material on record consistently shows that the occurrence took place when the train was entering Platform No.1 and before its departure. The evidence of the Loco Pilot, supported by the contemporaneous Station records, establishes that the version set up by the appellant of having boarded the train and thereafter falling from it is not substantiated by the record.

12. Consequently, the appellant has failed to establish that the injuries suffered by her arose out of an “untoward incident” within the meaning of Section 123(c) of the Act. Once the occurrence itself is not established as an untoward incident, the statutory liability under Section 124-A does not arise.

13. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

14. Accordingly, the present appeal is dismissed.

15. The appeal is accordingly disposed of.

**MANOJ KUMAR OHRI
(JUDGE)**

SEPTEMBER03, 2026

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