



2026:DHC:3956



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

% Reserved on : 25.04.2026
Pronounced on : 06.05.2026
Uploaded on : 06.05.2026

+ **FAO 25/2022**

RESHMAAppellant
Through: Mr. RajanSood, Ms. Ashima Sood,
Ms. MeghaSood, Advocates
versus

UNION OF INDIARespondent
Through: Mr. Rajesh Kumar, SPC for UOI with
Mr. SiddharthShekhar,Advocate.

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

JUDGMENT

CM APPL. 6674/2022 (delay of 598 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 598 days in filing the appeal.
2. Learned counsel for the appellant submits that after passing of the judgment dated 20.12.2019, the appellant was unable to file the appeal within the prescribed time. It is further submitted that the appellant belongs to an economically weaker section, and due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice.
3. It is noteworthy that in *Mohsina vs. Union of India*¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking

¹ (2017) SCC OnLine Del 10003



into account the weak economic condition of the appellant/ claimant.

4. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

5. Accordingly, the application is allowed and the delay of 598 days in filing the appeal is condoned.

6. The application is disposed of in the above terms.

FAO 25/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 20.12.2019, passed by the Railway Claims Tribunal, Principal Bench, *Delhi*, in Claim Application No. OA (Ilu) No. GZB/182/2016 titled as “*Ms. Reshma vs. Union of India*”.

2. Vide the judgment dated 24.05.2019, the Railway Claims Tribunal, *Ghaziabad* (hereinafter referred to as the “Tribunal”), while deciding the claim application, held the appellant to be a *bona fide* passenger, however, dismissed the claim on the ground that the injuries sustained did not fall within the ambit of an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

The review application preferred by the appellant against the said order was thereafter dismissed by the Railway Claims Tribunal, Principal Bench, *Delhi*.

3. The brief facts of the case, as stated in the claim application, are that on 05.12.2015, one Ms. *Reshma* was travelling from *Kashipur* to *Pipalsana*



by the *Kashipur - Moradabad* Passenger Train, on the strength of a valid journey ticket. It is stated that, during the course of the said journey, while alighting at the *Pipalsana* Railway Station, she accidentally fell down from the train and sustained grievous injuries, including amputation of her left leg.

4. Learned counsel for the appellant assails the impugned judgment by contending that the Tribunal, having returned a finding that the appellant was a *bona fide* passenger, erred in denying compensation on an erroneous understanding of the expression “untoward incident”. It is submitted that the contemporaneous record, including the station diary entry dated 05.12.2015, clearly records that a lady passenger fell from Train No. 55312 shortly after its departure from *Pipalsana* and was thereafter shifted to the hospital. It is further contended that the Tribunal failed to accord due weight to the said contemporaneous record as well as the consistent testimony of the appellant, and instead placed reliance on the DRM inquiry officials, which does not conclusively establish the manner of the occurrence. It is urged that the finding of the Tribunal that the act of de-boarding a train constitutes a “self-inflicted injury” is contrary to the settled position of law. The nature of injuries, as borne out from the medical record and the disability certificate issued by the competent authority, recording below-knee amputation with 55% permanent disability, is also consistent with a fall from a moving train and supports the occurrence of a railway accident during the course of the journey.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the Tribunal has correctly appreciated the evidence on record and concluded that the appellant sustained injuries while attempting to de-board a moving train and, therefore, the case falls within



the exception to Section 124-A of the Act. It is contended that the Tribunal rightly relied upon the DRM report and the statements of the Loco Pilot and Guard to conclude that the incident was not an “untoward incident”.

6. This Court has heard the learned counsels for the parties and has perused the material on record.

7. The principal issue that arises for consideration is whether the injuries sustained by the appellant were on account of an “untoward incident” within the meaning of the Act.

8. A perusal of the record indicates that the occurrence of the appellant falling from the train stands duly established. The station diary entry dated 05.12.2015, recorded in the ordinary course of official duty, notes that after the departure of Train No. 55312 from *Pipalsana*, a lady passenger, aged about 35-40 years, fell from the train while de-boarding and sustained serious injuries, and was immediately shifted to the hospital. The said contemporaneous record, recorded in close proximity to the incident, lends due corroboration to the version of the appellant as set out in the claim application and her testimony as AW-1, which has remained consistent and unshaken.

9. The reliance placed by the Tribunal on the statements of Sh. *Satish Kumar*, Loco Pilot and Sh. *Nitish Kumar*, Guard of the train, does not displace the aforesaid position. The said statements merely indicate that no such incident came to their notice during the course of journey and are in the nature of negative evidence, which cannot override the contemporaneous station record acknowledging that a passenger “fell from the train” immediately after its departure.

10. The only ground on which the claim has been rejected is that the



appellant attempted to de-board a moving train and, therefore, the injuries are to be treated as “self-inflicted”. In this regard, it is well settled, as observed in *Union of India vs. Rina Devi*², that death or injury occurring in the course of boarding or de-boarding a train would fall within the ambit of an “untoward incident”. Therefore, the finding of the Tribunal, that de-boarding a moving train would *ipso facto* amount to a self-inflicted injury, is thus, contrary to the settled position of law. Once the fall of the appellant from the train during the course of her journey, stands established, the case squarely falls within the ambit of an “untoward incident” under Section 123(c) of the Act.

11. Insofar as the status of the appellant as a *bona fide* passenger is concerned, the same already stands decided in her favour, and the journey ticket bearing No. L-10899281, placed on record, further substantiates the said finding.

12. It is further well settled that the liability under Section 124-A of the Act is one of strict liability. In *Jameela vs. Union of India*³ and *Union of India v. Prabhakaran Vijaya Kumar*⁴, the Hon’ble Supreme Court has held that once an “untoward incident” is established, compensation is payable irrespective of fault, unless the case falls within the statutory exceptions, which are to be construed narrowly. In the present case, the exception of “self-inflicted injury” is not attracted merely on account of the appellant de-boarding the train, and the appellant is thus, entitled to the relief of compensation.

13. Accordingly, the impugned judgment dated 20.12.2019, passed by the

²(2019) 3 SCC 572

³(2010) 12 SCC 443

⁴(2008) 9 SCC 527



2026:DHC:3956



Railway Claims Tribunal, Principal Bench, *Delhi*, upholding the order dated 24.05.2019, is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 15.05.2026.

14. The appeal is allowed and disposed of in the above terms.
15. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

MAY 06, 2026

kk