



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

% Reserved on: 28.01.2026
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+ **FAO No. 240/2021**

JAIPAL YADAVAppellant
Through: Mr. Ravi Sabharwal and Mr. Vivan
Garg, Advocates.

versus

UNION OF INDIARespondent
Through: Ms. Shubra Parashar and Mr. Gaurav
Khosla, 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, 1989 assailing the judgment dated 16.07.2021 (hereinafter referred to as the “impugned judgment”) passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA-II(u)/DLI/305/2019.
2. The case of the appellant, as set out in the claim application filed before the Tribunal, is that on 28.09.2019 at about 5-5.30 pm, he had purchased a general journey ticket bearing No. UAC-39504166 for travel from *Taj Nagar* to *Rewari* and had boarded the Old Delhi-Rewari Passenger Train bearing No. 54417. According to the appellant, the train was overcrowded and while he was standing near the entrance of the compartment, a sudden



thrust from passengers caused him to lose balance and fall from the moving train. As a result of the fall, the appellant allegedly sustained grievous injuries including a crush injury to his left leg, deformity in the right knee and head injuries with lacerations over the scalp and forehead. He was initially taken to Sunrise Hospital, *Gurugram* where his MLC was prepared, and was thereafter treated at Artemis Hospital, *Gurugram*. The appellant also claims to have handed over the said journey ticket to the GRP officials at *Pataudi Road, Gurugram*.

3. Vide the aforesaid judgment, the Tribunal rejected the claim application of the appellant, *Jaipal Yadav*, on the ground that he was not a *bona fide* passenger. The Tribunal observed that the journey ticket produced by the appellant bearing Ticket No. UAC-39504166, upon verification, was found to have been issued from *Gurugram* a day prior i.e., on 27.09.2019, whereas the alleged incident had occurred on 28.09.2019. The ticket was also stated to be valid for only 3 hours. The Tribunal further held that the appellant had failed to establish that he had sustained injuries in an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter as the “Act”) , as neither the guard of the train nor the ticket-vending official had any information regarding such incident and no eye-witness account was forthcoming.

4. Learned counsel for the appellant has assailed the impugned judgment by submitting that the Tribunal erred in holding that the appellant was not a *bona fide* passenger, particularly when the appellant had produced the journey ticket bearing No. UAC-39504166 and had relied upon the same during his deposition before the Tribunal. It is contended that the said ticket had in fact been issued on the date of the alleged incident, i.e. 28.09.2019. It



is further submitted that the finding of the Tribunal rejecting the appellant's case of accidental fall from the train is misplaced, as the same overlooks the records of the GRP, *Pataudi Road*, which contain information regarding the incident as well as the subsequent treatment of the appellant. Learned counsel submits that the concerned GRP official had also visited the appellant at Artemis Hospital during the course of the investigation, thereby lending credence to the sequence of events narrated by the appellant. Reliance is also placed on the MLC and the disability certificate of the appellant to highlight the grievous nature of the injuries sustained by him, which ultimately resulted in amputation and permanent disability. It is additionally contended that the appellant did not get an opportunity to cross-examine the railway personnel whose statements were relied upon by the Tribunal. In support of the aforesaid submissions, reliance is placed on *Raj Kumari Devi & Ors. v. Union of India*¹, *Sh. Kamtu Anuragi & Anr. v. Union of India*², and *Rajni and another v. Union of India and Another*³ in support of the said submissions.

5. *Per contra*, learned counsel appearing for the respondent submits that the Tribunal has rightly rejected the claim of the appellant as he was not a *bona fide* passenger. It is submitted that there existed a material discrepancy between the date reflected on the journey ticket produced by the appellant and the date revealed in the verification report of the said ticket. It is further contended that the railway duty personnel present at the relevant time had no information regarding any such incident, which would ordinarily be

¹ 2014 SCC OnLine Del 206

² 2025 SCC OnLine Del 4169

³ 2025 SCC OnLine SC 2182.



expected in the case of an accidental fall from a train. In this regard, reliance is placed upon the statements of the ticket vending official, *Rati Ram*, and the guard of the train, *Sandeep*, both of whom stated that no information regarding any such incident had been received from any passenger or railway official. There is no eye-witness to the alleged incident. *Rati Ram*, the ticket vending official who was on duty at *Taj Nagar Halt* from 4:30 a.m. to 20:30 p.m. on 28.09.2019, stated that he had received no information regarding any fall from the train either from any railway official or any passenger. Likewise, *Sandeep*, the guard of the train at the relevant time, stated that during the said journey there was neither any ‘Accidental Chain Pulling’ nor any sudden jerk at *Taj Nagar Halt*. He further stated that he did not receive any information from the loco pilot, railway staff or any passenger regarding any incident of accidental fall from the train. The Guard’s Memo Book also does not record any such occurrence. It is therefore contended that the injuries suffered by the appellant were the result of his own negligence and did not arise out of an “untoward incident” within the meaning of the Act.

6. I have heard the learned counsels for the parties and have perused the material on record.

7. This Court, upon examining the record, finds that although the appellant produced the journey ticket bearing No. UAC-39504166 stated to be purchased on 28.09.2109 and relied upon the same during the course of proceedings as well as in his deposition before the Tribunal, the verification report revealed that the said ticket had been issued on 27.09.2019, i.e., a day prior to the date of the alleged incident which occurred on 28.09.2019. This discrepancy has not been satisfactorily explained by the appellant. As per



investigation conducted by GRP, the incident statedly occurred at 7.30 pm and the injured was admitted in the Sunrise hospital at about 9 p.m. on 28.09.2019. In this backdrop, the inference drawn by the Tribunal that the said ticket, being a general class ticket valid only for a limited duration, could not have been used for travel on the date of the alleged incident appears to be justified. Consequently, the appellant cannot be regarded as a *bona fide* passenger.

8. Having concurred with the decision of learned Tribunal on the aforesaid aspect, the second issue whether the incident is an untoward incident, requires no consideration. Even otherwise, the respondent has claimed that the incident was not seen or reported by anyone. In these circumstances, this Court is unable to hold that the mere recording of an entry by the GRP, Pataudi Road regarding an injured person, even if followed by visits of a police official to Artemis Hospital, Gurugram, is sufficient to establish that the injuries in question were sustained as a result of an accidental fall from the train.

9. Indeed, a perusal of the MLC and the disability certificate indicates that the appellant had sustained multiple injuries, including lacerations, abrasions, fractures, head injuries and amputation of the left leg above the knee, resulting in approximately 85% locomotor disability. However, the said medical documents, by themselves, also do not establish that the injuries were sustained due to an accidental fall from the train so as to constitute an “untoward incident”.

10. It is settled law that the grant of compensation in cases falling under “untoward incidents” must be preceded by a finding that the victim was a *bona fide* passenger. In this regard, reference may be made to the decision of



the Supreme Court in *Rajni v. Union of India (supra)* wherein the legal position on this aspect was explained. The relevant extract from the said judgment is reproduced hereunder:

“9. The legal position is not in dispute: Section 124-A of the Railways Act, 1989 embodies a no-fault regime for “untoward incidents”, but compensation remains predicated on the victim being a “passenger”. For present purposes, Explanation (ii) to Section 124-A would be relevant in the background of same having been denied by railway authorities. It reads as follows:

“Explanation (ii) — ‘passenger’ includes a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.”

(emphasis supplied)

11. Considering the foregoing discussion, this Court concurs with the findings of the Tribunal that the appellant was neither a *bona fide* passenger nor did the alleged incident constitute an “untoward incident” within the meaning of the Act.

12. The impugned judgment therefore does not warrant any interference.

13. The present appeal is accordingly dismissed.

14. The appeal is disposed of in the above terms.

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 11, 2026

Rd/kb