



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

% Reserved on : 07.05.2026
Pronounced on : 13.05.2026
Uploaded on : 13.05.2026

+ **FAO 483/2017**

VIKASH KUMARAppellant

Through: Mr. Ritik Singh, Advocate

versus

UNION OF INDIARespondent

Through: Ms. Jivesh Kr. Tiwari, CGSC with
Ms. Nandini Aggarwal and Ms.
Samiksha, 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 judgment dated 16.02.2017, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/262/2015.
2. Vide the impugned judgment, the Tribunal dismissed the claim application filed by the appellant seeking injury compensation on the ground that the appellant was neither a *bona fide* passenger nor did the incident come within the ambit of an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").
3. The brief facts of the case, as stated in the claim application, are that



on 18.08.2015, the appellant was travelling from *Delhi* to *Patna*, by the *Sampooran Kranti* Express, on the strength of a valid journey ticket. It has been averred that at about 5:30 pm, when the train was heading towards *Tilak* Bridge, due to push and pull of the passengers as well as owing to a jerk, the appellant slipped from the moving train, resulting in amputation of his right leg.

4. Learned counsel for the appellant contends that the Tribunal failed to appreciate the contemporaneous record in its correct perspective. It is submitted that the DRM/RPF inquiry proceedings, PCR information, DAR report, DD entries and medical record consistently establish that the appellant sustained grievous injuries after accidentally falling from Train No.12394 *Sampooran Kranti* Express while travelling as a passenger. It is further submitted that mere non-recovery of ticket could not have been made the sole basis to deny the claim, particularly in view of the law laid down in *Union of India v. Rina Devi*¹.

5. *Per contra*, learned counsel appearing for the respondent supports the impugned judgment and submits that no railway ticket was recovered from the appellant and neither the guard nor the driver of the train reported any such incident. It is therefore submitted that the appellant failed to establish either *bona fide* travel or occurrence of an untoward incident.

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

7. The first question which arises for consideration is whether the injuries suffered by the appellant arose in an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act.

¹ (2019) 3 SCC 572



8. The Tribunal answered the aforesaid issue against the appellant primarily on the ground that no journey ticket was recovered and the guard and driver of the concerned train did not report any incident. In the considered opinion of this Court, the said approach proceeds upon an unduly narrow appreciation of evidence and ignores the consistent contemporaneous official record available on record.

9. The earliest information regarding the occurrence emerges from the DD No. 39A, recorded on 18.08.2015, wherein information was received regarding one injured person lying near *Shivaji Bridge/Tilak Bridge* and said information was then relayed further for investigation. Pursuant thereto, PCR officials reached the spot and the appellant was immediately shifted to *Dr. Ram Manohar Lohia Hospital, New Delhi* for treatment. The medical documents record the history of “railway traffic accident” and specifically note traumatic amputation of the appellant’s right leg (above knee). The discharge summary of RML Hospital further records that the appellant had sustained injuries in a railway accident on 18.08.2015 and underwent treatment for the said injuries. These documents were prepared in the ordinary course of official and medical functioning and there is nothing on record to suggest fabrication or manipulation thereof.

10. Significantly, the DRM/RPF inquiry proceedings themselves proceed on the basis that the appellant had suffered injuries in connection with the railway incident and the inquiry report records that information regarding the injured was received through PCR and the appellant was found in injured condition near the railway track. The appellant consistently stated before the inquiry authorities that while travelling towards *Patna* in the aforesaid train, due to heavy crowd near the gate and sudden jerk in the running train, he lost



balance and accidentally fell. The said version finds substantial corroboration from the DAR proceedings as well.

11. The Detailed Accident Report (DAR) specifically records the appellant as a “passenger” of *Sampooran Kranti* Express and notes the occurrence at about 5:50 PM near *Tilak* Bridge. The DAR further records that the appellant suffered grievous injuries resulting in permanent disability, namely amputation of the right leg above the knee. Thus, the contemporaneous railway and medical record consistently support the appellant’s case that the injuries arose due to accidental fall from a running passenger train during the course of railway travel.

12. What is further important is that the respondent failed to produce any cogent evidence whatsoever to establish that the appellant was a trespasser or that the injuries were sustained otherwise than in a railway accident. No material has been placed on record to attract any of the statutory exceptions contemplated under the proviso to Section 124-A such as suicide, self-inflicted injury, intoxication, insanity or commission of any criminal act.

13. At this stage, it may also be noted that the Supreme Court in *Rina Devi* (supra) specifically held that accidental fall while boarding or deboarding a train would also fall within the ambit of an “untoward incident”. Therefore, even assuming that the appellant fell while attempting to board/deboard the train amidst heavy crowd near the gate, the same would nonetheless remain covered under Section 123(c) of the Act. It was further held that mere non-recovery of ticket cannot by itself negate *bona fide* passenger status and the issue has to be examined on the basis of surrounding facts and attending circumstances. The appellant has consistently stated that the journey was undertaken after purchase of a valid



journey ticket.

14. The cumulative effect of the contemporaneous official record, namely the DD entries, PCR information, DAR proceedings, DRM/RPF inquiry report and medical documents clearly establishes that the appellant sustained grievous injuries on account of accidental fall from a passenger train during the course of railway travel. The Tribunal has failed to appreciate the evidentiary value of the aforesaid documents and instead discarded the claim on hyper-technical considerations.

15. Therefore, this Court is of the considered opinion that the appellant successfully established that he suffered injuries in an “untoward incident” within the meaning of Sections 123(c) and 124-A of the Act, while travelling as a *bona fide* passenger. The findings recorded by the Tribunal are therefore unsustainable and liable to be set aside.

16. Accordingly, the impugned judgment dated 16.02.2017 is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellants 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 26.05.2026.

17. The appeal is allowed and disposed of in the above terms.

18. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

MAY 13, 2026

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