



2026:DHC:7937



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

% Reserved on : 02.09.2026
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CNR No. DLHC010091832022

+ **FAO 52/2022**

GYAN PRAKASH @ BHUSHAN
AND ANR

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Shubhra Parashar and
Mr.V.P.S. Charak, 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 15.12.2020 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in OA/II/2017/0293 titled as "Gyan Prakash @ Bhushan & Anr. v. Union of India".

2. The case of the appellants before the Tribunal was that on 15.12.2016, one *Ravi Parcha* (hereinafter referred to as the "deceased"), was travelling by train from *Shivaji Bridge* to *Ghaziabad* on a valid journey ticket. It was pleaded that when the train was about



to reach the *Tilak* Bridge Railway Station, the deceased, due to a sudden jerk, fell from the train, sustained grievous injuries and subsequently succumbed to the same.

3. Learned counsel for the appellants submitted that the Tribunal misplaced itself in holding that the deceased had suffered a self-inflicted injury merely because the train in question was a “run-through” train and did not have a scheduled stoppage at *Tilak* Bridge. It is submitted that the evidence on record, particularly the statement of Sh. *Pawan Kumar*, records that the deceased was “attempting to board the moving train” and, in the process, his hand slipped and he fell between the train and the platform. It is further submitted that there is no material to establish any intention on the part of the deceased to cause injury to himself.

4. Learned counsel for the respondent, on the other hand, submitted that the deceased was attempting to board a fast-moving run-through train which had no stoppage at *Tilak* Bridge and that such conduct was wholly imprudent and reckless. It is contended that the deceased, having attempted to board a train which was not scheduled to stop at the station, brought the incident upon himself and the same falls within the exclusion of “self-inflicted injury” under Section 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”).

5. It is pertinent to note that the Tribunal, noticing that the journey ticket from *Shivaji* Bridge to *Ghaziabad* had been placed on record and that the Railway, in its DRM report, had admitted the authenticity of the said ticket, held that the deceased was a *bona fide* passenger.



6. Insofar as the manner of the occurrence of the incident is concerned, the material on record shows that the deceased was attempting to board Train No. 14681 at *Tilak Bridge*, although the said train was a run-through train and had no scheduled stoppage at the said station. The statement of Sh. *Pawan Kumar*, relied upon by the appellants, itself records that the deceased was attempting to board the train and, in that process, his hand slipped and he fell between the train and the platform. Thus, there is no dispute as to the manner in which the occurrence took place. The deceased was not in the process of boarding a train which had stopped at *Tilak Bridge*, rather, he attempted to board a “run-through” train which was “not scheduled to halt” at the station.

7. In these circumstances, the mere fact that the deceased was a *bona fide* passenger would not, by itself, render every consequence of his conduct an “untoward incident”. A similar view has been taken by this Court in “*Naresh Kumar v. Union of India*”¹ wherein while considering a situation where the deceased attempted to board a run-through train at a station where it had no scheduled stoppage, upheld the finding that the incident was not covered as an “untoward incident”.

The facts of the present case stand on the same footing. The deceased consciously attempted to board a “run-through” train which was not scheduled to stop at *Tilak Bridge* and the fatal fall occurred in the course of that attempt. The occurrence, therefore, cannot be treated as an accidental fall from a train during the course of a normal journey

¹2026 SCC OnLine Del 6415



2026:DHC:7937



so as to attract Section 123(c)(2) of the Act. The finding of the Tribunal that the occurrence did not constitute an “untoward incident” consequently calls for no interference.

8. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, this Court does not find force in the contentions raised by the appellants and hence, there is no reason to interfere with the impugned order.

9. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 16, 2026

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