



2026:DHC:8122



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

% Reserved on : 07.09.2026
Pronounced on : 21.09.2026
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+ **FAO 54/2021**

AJAY SHARMAAppellant

Through: Mr. RajanSood, Ms. Ashima Sood
and Ms. MeghaSood, Advocates

versus

UNION OF INDIARespondent

Through: Nemo.

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 05.02.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in O.A. No. OA(IIu)/DLI/63/2019.
2. There has been no appearance on behalf of the respondent since the last few dates of hearing. With the assistance of learned counsel for the appellant, this Court has perused the claim application, the documents placed on record, including the DRM Report, and the other material available on the record. The matter is accordingly proceeded with for adjudication.
3. Briefly stated, the case of the appellant is that on 28.08.2017, he was



travelling from *Mathura* to New *Delhi* on the strength of a valid journey ticket. It was his case that while travelling in the general compartment, owing to heavy rush, he was unable to pass through the gallery after visiting the toilet and was standing near the gate when he accidentally fell from the moving train near *Okhla* Bridge. He sustained crush injuries to both legs, resulting in their amputation.

4. The Tribunal, however, disbelieved the appellant's version principally on the basis of the discrepancy regarding the time of boarding, absence of details of the train allegedly boarded by him, the nature of the injuries and the subsequent medical history recorded as "RTA (Renal Tubular Acidosis)".

5. Learned counsel for the appellant contended that the finding of the Tribunal is contrary to the evidence on record. It was submitted that the appellant was in possession of a valid journey ticket bearing No. 10378787, which was subsequently recovered and verified by the railway authorities. It was further submitted that the contemporaneous DD entries recorded information regarding an injured person lying on the railway track near *Okhla* Bridge and that the first medical record prepared at Apollo Hospital specifically records the history of a fall from a train near *Okhla* Railway Station. Learned counsel also submitted that the subsequent reference to "RTA" in the AIIMS record could not, in the absence of any evidence of a road accident, displace the contemporaneous record. It was further submitted that the respondent had not examined any witness to establish its alternative case and had relied essentially upon the DRM report.

6. The case of the respondent/Railways before the Tribunal was that the appellant had failed to establish that he was a *bona fide* passenger at the



relevant time. It was contended that the journey ticket produced by the appellant had surfaced subsequently and that there were discrepancies regarding the time of his boarding and the train in which he was travelling. The respondent further relied upon the medical record, including the history recorded at AIIMS, to contend that the injuries were not attributable to a fall from a running train. It was thus pleaded that the appellant had failed to establish that the injuries were sustained in an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

7. Coming first to the question of whether the appellant was a *bona fide* passenger, the journey ticket bearing No. 10378787, issued for travel from *Mathura* to *New Delhi*, was produced on record and was subsequently verified by the Railway authorities. In terms of the principles laid down by the Supreme Court in “*Union of India v. Rina Devi*”¹ and “*Lata v. Union of India*”² the initial burden is discharged upon the claimant placing the foundational facts and attending circumstances on record, whereafter the burden shifts to the Railways. In the present case, the existence and genuineness of the journey ticket stand established and the discrepancy regarding the precise time of boarding, by itself, could not have been treated as sufficient to negate the appellant’s status as a *bona fide* passenger.

8. The principal question, therefore, is whether the injuries sustained by the appellant arose from an “untoward incident” within the meaning of Section 123(c)(2) of the Act.

9. The Tribunal proceeded essentially on the basis that the nature of the

¹(2019) 3 SCC 572

²2026 SCC OnLine SC 1350



injuries, absence of injuries to other parts of the body and the subsequent recording of RTA (Renal Tubular Acidosis) in the AIIMS record rendered the appellant's version of an accidental fall from a moving train doubtful.

10. In the considered opinion of this Court, the approach overlooks the distinction between a circumstance which may create some doubt and material which affirmatively establishes that the occurrence took place in a manner other than that pleaded by the appellant. The subsequent medical notation, particularly when considered against the earlier medical record and the contemporaneous railway and police material, could not by itself establish that the appellant had sustained the injuries in some other accident. Equally, the nature of the injuries could not furnish a basis for the Tribunal to conclusively determine the precise mechanics of the accident in the absence of any evidence establishing such alternative manner of occurrence.

11. The approach adopted by the Tribunal is also required to be considered in the context of the beneficial nature of the legislation. The provisions relating to compensation under the Railways Act are to receive a liberal, purposive and pragmatic interpretation and the liability under Section 124-A is one of strict liability. Once an "untoward incident" is established, the question of negligence on the part of the passenger does not, by itself, defeat the claim, subject to the statutory exceptions contained in the proviso to Section 124-A. In the present case, no such exception has been established by the respondent. The Tribunal, therefore, could not have required the appellant to establish the precise sequence of the fall by direct evidence, particularly when the contemporaneous record lends support to the occurrence pleaded by him.

12. A similar approach was adopted by this Court in "Basant Kumar



Singh &Anr. v. Union of India”³, where the Tribunal had drawn an adverse inference from the location of the deceased’s body and the nature of the injuries to hold that an accidental fall was improbable. This Court held that the location of the body away from the track on which the deceased was travelling could not, in the absence of cogent evidence, conclusively negate an accidental fall and that the Tribunal could not insist upon a rigid or precise sequence of the fall and the consequential injuries. It was further held that hyper-technical approaches and speculative inferences have no place in adjudication of claims under the Act. The principle squarely applies in the present case. The inability of the appellant to state the exact train number, the discrepancy regarding the boarding time and the nature of the injuries, individually or cumulatively, do not constitute cogent evidence of an alternative cause of the injuries.

13. On an overall consideration of the evidence, the contemporaneous record supports the appellant’s case of an accidental fall from the train and there is no cogent material on record establishing that the injuries were sustained otherwise. The Tribunal, therefore, fell into error in treating the aforesaid discrepancies and inferences as sufficient to displace the substantive evidence supporting the occurrence.

14. Accordingly, the impugned judgment 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 15.10.2026.

³2026 SCC OnLine Del 666



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

MANOJ KUMAR OHRI
(JUDGE)

SEPTEMBER 21, 2026

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