



2026:DHC:8240



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

% Reserved on : 07.09.2026
Pronounced on : 23.09.2026
Uploaded on : 23.09.2026

+ **FAO 147/2023**

PRABHAT PATEL

.....Appellant

Through: Mr. Ankur Mohan and Mr. Kunal
Bhardwaj, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. R. Venkat Prabhat, SPC with Mr.
Ansh Kalra, Advocate

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 10.06.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in O.A. No. OA(IIu)/DLI/71/2020 whereby the claim application filed by the appellant seeking compensation on account of injuries sustained by him in a railway accident came to be dismissed.
2. Briefly stated, on 06.05.2019, the appellant was travelling from *Manduadih* to New *Delhi* by Train No.12559 (*Shiv Ganga Express*). The journey ticket bearing No. UEO-72259310 was recovered from the appellant and, upon verification from the booking office at *Manduadih*, was found to be genuine. While the train was passing through Platform No.2 of



Sahibabad Railway Station, the appellant fell from the train and sustained severe injuries resulting in amputation of both his hands.

3. Learned counsel for the appellant, while assailing the impugned judgment, contends that the Tribunal wrongly treated the appellant's injuries as self-inflicted merely on the basis of the version recorded by the RPF Constable. It is submitted that the appellant, in his statement recorded during the DRM inquiry, had consistently stated that after the train left *Ghaziabad*, he went towards the toilet and, while the train was passing through *Sahibabad* at a slow speed, he was pushed by passengers who were de-boarding, as a result of which he fell from the train. It is further submitted that the RPF Constable had not witnessed the actual fall and had reached the spot only after hearing the commotion. Reliance is placed on "*Union of India v. Rina Devi*"¹ and "*Union of India v. Prabhakaran Vijaya Kumar &Ors.*"² to contend that the claim is required to be considered on the touchstone of preponderance of probabilities and that the liability under Section 124-A of the Railways Act, 1989 (hereinafter referred to as the "Act") is strict in nature.

4. Learned counsel for the respondent, on the other hand, submits that the appellant had sustained injuries while attempting to de-board from a running train at *Sahibabad* Railway Station. It is submitted that the DRM inquiry, including the statement of the RPF Constable who was on duty at Platform No.2, records that the appellant was attempting to de-board the train while it was passing through the station. It is further submitted that the Guard of the train did not receive any information regarding any "untoward incident" and there was no chain pulling during the relevant journey. It is

¹(2019) 3 SCC 572

²(2008) 9 SCC 527



thus contended that the injuries sustained by the appellant were self-inflicted and fall within the exceptions contemplated under Section 124-A of the Act.

5. This Court has heard the rival contentions of the parties and perused the material, including the DRM Report and the ticket placed on record.

6. Coming first to the question whether the appellant was a *bona fide* passenger, the record contains the journey ticket bearing No. UEO-72259310 for the journey from *Manduadih* to New *Delhi*. The said ticket was recovered from the appellant after the incident and was thereafter verified from the booking office at *Manduadih*, where it was found to be genuine. Thus, the record itself contains material establishing that the appellant had undertaken the journey on the strength of a valid railway ticket. The initial requirement regarding the appellant's status as a *bona fide* passenger therefore stands duly established.

7. The next important question is whether the injuries sustained by the appellant constitute an "untoward incident" within the meaning of Section 123(c) read with Section 124-A of the Act.

8. The Tribunal principally proceeded on the basis of the statement of RPF Constable *Abhishek Singh Yadav* and the conclusion drawn in the DRM report that the appellant had attempted to de-board from the running train. It was noticed by the Tribunal that the said Constable was on duty at Platform No.2 at about 07:15 hours when Train No.12559 was passing through the station at a speed of about 30-35 km/hr. He heard some commotion and thereafter found the appellant lying in an injured condition on the platform. The Tribunal treated the said witness as an eyewitness and, relying upon his version, concluded that the appellant had attempted to get down from the running train.

9. A closer examination of the evidence, however, shows that the RPF



Constable had not witnessed the actual fall. His own deposition before the Tribunal was that he “heard the shouting of people” and thereafter found the appellant lying on Platform No.2. Significantly, in cross-examination, the witness admitted that he had not recorded any statement of the appellant and that the information allegedly given to him by the appellant was not conveyed to the Station Master. The evidence of the Constable, therefore, cannot be treated as direct evidence of the manner in which the appellant fell from the train.

10. The appellant’s own statement recorded during the DRM inquiry assumes significance in this regard. He stated that after the train had left *Ghaziabad*, he went towards the toilet and, finding the toilet occupied, waited for his turn. According to him, when the train was passing through *Sahibabad* at a slow speed, passengers were de-boarding and he was pushed by the passengers, as a result of which he fell from the train. This version is also consistent with the appellant’s case before the Tribunal that he had fallen from the train due to jostling of the crowd.

11. It is also true that the Guard of Train No.12559 stated that the subject train passed through *Sahibabad* at about 07:18 hours and that neither any passenger nor any railway staff informed him of any “untoward incident” and no chain pulling had taken place. However, the absence of such information cannot, by itself, establish that the appellant did not fall from the train. The occurrence in the present case is otherwise borne out from the contemporaneous railway record, which records that the appellant was found in an injured condition on Platform No.2 immediately after the train had passed through the station. The fact that the Guard did not receive an immediate report therefore cannot be elevated into positive evidence disproving the occurrence itself.



2026:DHC:8240



12. The approach has to be consistent with the nature of liability contemplated under Section 124-A of the Act. In Prabhakaran Vijaya Kumar (supra) the Supreme Court held that Section 124-A embodies the principle of strict or no-fault liability and that the expression “accidental falling of a passenger from a train carrying passengers” is required to receive a liberal and purposive interpretation. The Supreme Court further held that once the case falls within the ambit of Section 124-A, the question of fault on the part of the passenger is not determinative.

13. The finding of the Tribunal that the injuries sustained by the appellant were self-inflicted and therefore fell within the exception to Section 124-A of the Act is consequently not borne out from the evidence on record. The material available does not establish that the appellant’s injuries were caused by an intentional act so as to bring the case within the statutory exception.

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 22.10.2026.

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 23, 2026

na