



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

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+ **FAO 111/2019**

VIJAY SINGHAppellant
Through: Mr.Yogesh Swaroop and Ms.
Shivangi Singh, Advocates

versus

UNION OF INDIA (MINISTRY OF RAILWAY)Respondent
Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Nipun Jain, Mr. Divanshu
and Mr. Ayush Srivastava, 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 15.11.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/51/2018, whereby the claim application filed by the appellant seeking compensation for injuries sustained in a railway accident came to be dismissed.

2. Briefly stated, on 29.01.2018, the appellant was travelling from *Delhi* Cantt. to *Bandikui* by *Ala-Hazrat* Express after purchasing a valid second-class superfast railway ticket bearing. According to the appellant, there was heavy rush in the compartment and, when the train started moving from



Platform No.2 at *Palam* Railway Station, he was pushed towards the off-side door and, on account of a jerk and the rush inside the compartment, lost his balance and fell on the adjacent track. In the meantime, a Goods Train coming from the opposite direction ran him over, resulting in amputation of both his legs above the knee. He was thereafter taken to *Jai Prakash Narayan* Apex Trauma Centre, AIIMS, New *Delhi*.

3. The claim application was dismissed by the Tribunal principally on the ground that the appellant was neither a *bona fide* passenger nor had the incident constituted an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellant submits that the Tribunal proceeded on a reconstruction of the incident which was not borne out from the evidence. It is submitted that the appellant was admittedly in possession of a valid railway ticket and that, even on the evidence relied upon by the respondent, the appellant was attempting to board the train. Reliance is placed on the judgment of the Supreme Court in “*Union of India v. Rina Devi*”¹ and “*Lata v. Union of India*”².

5. Learned counsel for the respondent, on the other hand, while supporting the impugned judgment, submits that AW-2 and AW-3 had themselves stated that the appellant was crossing the track and attempting to pass between the container flats of a Goods Train. It is contended that the appellant had not boarded the passenger train and that the injuries were the result of his own deliberate and reckless act.

¹(2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



6. After hearing the rival contentions of the parties and going through the record, the issue of the appellant being a *bona fide* passenger is taken up first. The appellant had produced on record a valid journey ticket bearing No. L-77507686 for travel from Delhi *Cantt.* to *Bandikui*. The Tribunal did not find the ticket to be forged or otherwise invalid. The initial burden of establishing the foundational facts of travel was thus discharged. {Ref: Rina Devi (supra)} The mere circumstance that the appellant was subsequently found on the track cannot, by itself, displace his status as a passenger or answer the separate question whether the incident falls within the statutory definition of an “untoward incident”. The statutory explanation to Section 124-A also specifically includes a person who has purchased a valid ticket for travelling by a train carrying passengers and becomes a victim of an “untoward incident”.

7. The more substantial question is whether the injuries suffered by the appellant are excluded from the scope of Section 124-A on the ground of being “self-inflicted”. In Rina Devi (supra), the Supreme Court, while considering the scope of the proviso to Section 124-A, held that death or injury in the course of boarding or de-boarding a train constitutes an “untoward incident” and cannot be excluded merely on the plea that the passenger was negligent. It was further held that the concept of “self-inflicted injury” requires intention to inflict such injury and not mere negligence. Significantly, the said decision also considered the question of a passenger attempting to board a train from the off-side. The Supreme Court held that merely because a person suffers injury while boarding a train through the off-side, the same would not by itself be sufficient to term the injury as self-inflicted. The question has to be examined on the facts of each



case and the exclusion would apply where the conduct is shown to be imprudent and unmindful of the consequences.

In the present case, the evidence of one *Dinesh Chandra Meena/AW-2* and *Chand Singh Meena/AW-3*, even if accepted in its entirety, does not establish such intention. AW-2 stated that he had witnessed the occurrence from a distance of about 90-100 metres, while AW-3 stated that he was about 100-125 metres away from the place of occurrence. Their evidence, at the highest, establishes that the appellant was on the track and was attempting to pass through the container flats of a Goods Train in order to board his train.

8. The Tribunal, while considering the said evidence, reconstructed the occurrence by assuming that the appellant had consciously chosen to cross over the Goods Train to reach the next track and, on that basis, inferred that he knew of the danger and had brought the injury upon himself. Such an inference does not necessarily follow from the evidence on record. Significantly, the Tribunal itself observed that if the appellant was attempting to board the passenger train from the off-side and suffered injuries in the process, he could still be treated as a passenger and the occurrence could constitute an “untoward incident”.

9. The contemporaneous medical record of AIIMS also records the history as “railway track injury while trying to board the train at *Palam* Railway Station”. Though the said history may not, by itself, conclusively establish the precise manner in which the accident occurred, it is nevertheless a contemporaneous circumstance which could not have been displaced by an inference unsupported by direct evidence of the appellant’s intention. The scheme under Section 124-A of the Act is one of no-fault



liability and is beneficial in nature. The exclusion contained in the proviso has, therefore, to be established on the basis of facts which bring the case within its terms. Mere negligence or imprudence cannot be substituted for the statutory requirement necessary to attract the exclusion of self-inflicted injury.

10. In the present case, the evidence may indicate that the appellant was attempting to cross between the container flats of a Goods Train, but it does not establish the degree of conscious and deliberate exposure to danger contemplated in *Rina Devi* (supra).

11. In view of the above, 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 appellant 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 04.11.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 25, 2026

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