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

% Reserved on : 25.09.2026
Pronounced on : 30.10.2026
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 # CNR No.DLHC010591372025

+ FAO 230/2025

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

versus

UNION OF INDIA .....Respondent
Through: Mr. Avnish Singh, SPC with Mr. Kapil Dev Yadav, GP

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 30.06.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/613/2024, whereby the claim application filed by the appellant seeking compensation for injuries sustained in a railway accident came to be dismissed.

2. The case of the appellant before the Tribunal was that on 14.03.2024, she, along with her brother-in-law, *Sushil*, and other

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relatives, had purchased second-class journey tickets for travelling from *Aligarh* to *Etawah* and was waiting for the *Gomti* Express at *Aligarh* Railway Station. However, owing to a misunderstanding, they boarded the Train No. 12398 (*Mahabodhi* Express). It was pleaded that when the ticket-checking staff came to inspect their tickets, the appellant handed over her ticket, which was taken away on the ground that the train does not stop at *Etawah*. Her case was that, upon the train reaching *Shikohabad* Railway Station, she was forcibly pushed out of the moving train, resulting in her falling into the gap between the train and the platform and sustaining grievous injuries.The appellant was initially taken to the Joint Hospital, *Shikohabad*, from where she was referred to S.N. Medical College, *Agra*.

3. *Vide* the impugned judgment, the Tribunal held that the appellant was not a *bona fide* passenger, as no valid journey ticket had been recovered from her. It further disbelieved her account of having been pushed out of the train by the ticket-checking staff and concluded that she had, in all probability, jumped from the moving train upon noticing the ticket-checking staff. Holding that the incident was of her own making, the Tribunal dismissed the claim application.

4. Mr. *Sood*, learned counsel for the appellant assails the impugned judgment by contending that the appellant had specifically stated that she had purchased a valid journey ticket and that the same had been taken away by the ticket-checking staff. The non-recovery of the ticket, therefore, could not have been treated as conclusive proof that she was travelling without one. It is further submitted that the contemporaneous railway record itself establishes that the appellant

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sustained injuries after falling from the moving train. The conclusion that she had deliberately jumped from the train, it is urged, rests upon mere inferences rather than any cogent evidence.

5. Learned counsel for the respondent, on the other hand, submits that the appellant failed to produce the journey ticket or any independent evidence establishing its purchase. It is further submitted that the appellant's version regarding the circumstances of the incident was rightly disbelieved by the Tribunal and that no case for interference is made out.

6. Having heard learned counsel for the parties and perused the material placed on record, the questions which arise for consideration are whether the Tribunal was justified in holding that the appellant had failed to establish her status as a *bona fide* passenger and whether the injuries sustained by her resulted from an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act").

7. Coming first to the question of the appellant's status as a *bona fide* passenger, Section 2(29) of the Act defines a "passenger" as a person travelling with a valid pass or ticket. The question, however, is whether the non-recovery of a journey ticket, in the facts of the present case, was sufficient to reject the appellant's claim at the threshold.

8. The said issue is no longer res integra. The Supreme Court in "*Union of India v. Rina Devi*"[1]held that the mere absence of a ticket with an injured or deceased person does not, by itself, negate the claim that such person was a *bona fide* passenger. The initial burden rests

[1](2019) 3 SCC 572

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upon the claimant, which may be discharged by placing the relevant facts and circumstances on record, including by way of an affidavit. Once this initial burden is discharged, the onus shifts to the Railways to rebut the claim on the basis of the evidence and attending circumstances.The aforesaid principle has also been reiterated in "*Lata v. Union of India*"[2] and "*Sukhabhai Nanjibhai Makwana & Anr. v. Union of India*"[3].

In the present case, the appellant's specific case is that she had purchased a second-class journey ticket for travelling from *Aligarh* to *Etawah* and that the ticket was taken away by the ticket-checking staff after she inadvertently boarded the *Mahabodhi* Express instead of the *Gomti* Express. The appellant reiterated her version in her evidence before the Tribunal.

9. The Tribunal placed considerable reliance upon the circumstances in which the appellant had boarded the *Mahabodhi* Express and the absence of a ticket at the time of the incident. Her explanation regarding the ticket having been taken away was required to be examined on the touchstone of the principles laid down in *"Rina Devi"* (supra), *"Lata"* (supra), and "*Sukhabhai Nanjibhai Makwana*" (supra). The absence of the ticket, thus, could not have concluded the issue against the appellant. The finding returned by the Tribunal on this aspect, therefore, is liable to be set aside.

10. The next question is whether the injuries sustained by the appellant resulted from an "untoward incident" within the meaning of

[2]2026 SCC OnLine SC 1350
[3]2026 INSC 1056

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the Act. Section 123(c)(2) of the Act defines an "untoward incident" to include the accidental falling of any passenger from a train carrying passengers. Section 124-A provides for compensation where a passenger suffers injury or dies as a result of an untoward incident, irrespective of whether there has been any wrongful act, neglect or default on the part of the Railway Administration, subject to the exceptions stipulated therein. The statutory scheme is thus founded upon the principle of no-fault liability.

11. The Deputy Station Superintendent's memo dated 14.03.2024 records that information was received regarding a woman having fallen from Train No. 12398 at *Shikohabad* Railway Station. The appellant was thereafter found injured on Platform No. 2 and was taken to the hospital. The statement of the Train Manager, *Tej Bahadur*, reproduced in the respondent's written statement, also records that, while the train was passing *Shikohabad* Railway Station at a restricted speed, he heard an alarm, proceeded towards the relevant gate and found a woman who had fallen from the train, with one of her legs severely injured.

12. The aforesaid contemporaneous material indicate towards the conclusion that the appellant sustained injuries in an incident involving a fall from the moving train. The medical record further corroborates the nature and severity of the injuries, including the eventual amputation of her left leg above the knee. The material placed on record and relied upon by the appellant cannot be brushed aside merely because the precise manner in which the appellant fell from the train is disputed.

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13. The Tribunal has accepted the inference that the appellant deliberately jumped from the moving train upon noticing the ticket-checking staff. However, the contemporaneous railway record relied upon by the respondent records that the appellant had fallen from the train. It does not independently establish that she had deliberately jumped. The distinction between the fact of a fall and the inference drawn as to the circumstances leading to it was required to be kept in view.

14. The Tribunal also concluded that the entire incident was of the appellant's own making. In this regard, it is necessary to bear in mind the distinction between negligence and self-inflicted injury. The statutory exception concerning self-inflicted injury cannot be invoked merely because the conduct of the injured person is considered imprudent or negligent. The material must establish the circumstances necessary to attract the relevant statutory exception. The inference that the appellant jumped from the train, drawn primarily from the non-recovery of the ticket and the circumstances in which she had boarded the train, does not, in the facts of the present case, furnish a sufficient basis for denying the claim.

15. 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 18.03.2027.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 30, 2026
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