



2026:DHC:7148



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

% Reserved on : 17.08.2026
Pronounced on : 24.08.2026
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+ **FAO 25/2020 & CM APPL. 1911/2020**

DEEPA DEVI & ORS. Appellants
Through: Mr.RajanSood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

Versus

UNION OF INDIA Respondent
Through: Mr. Jivesh Kumar Tiwari, SPC
with Ms. Samiksha, Advocate

+ **FAO 125/2021& CM APPL. 12966/2021**

PARVATI& ORS. Appellants
Through: Mr. RajanSood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

Versus

UNION OF INDIA Respondent
Through: Mr. K.C. Dubey, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 1911/2020 in FAO 25/2020 (condonation of delay of 71 days in filing the appeal)



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1. By way of the present application, the applicant/appellant seeks condonation of delay of 71 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 71 days in filing the appeal is condoned.
3. The appeal is disposed of accordingly.

CM APPL. 12966/2021 in FAO 125/2021 (condonation of delay of 293 days in filing the appeal)

1. By way of the present application, the applicant/appellant seeks condonation of delay of 293 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants are poor and illiterate persons, and belong to an economically weaker section and, due to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.
3. It is noteworthy that in “*Mohsina vs. Union of India*”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, in “*Reshma vs. Union of India*”², this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.
4. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for

¹(2017) SCC OnLine Del 10003

²(2026) SCC OnLine Del 2704



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the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 293 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 25/2020 & FAO 125/2021

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 08.08.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Applications bearing No. OA/II(U)/114/2018 and OA/II(U)/221/2018.

2. Since both the appeals arise out of the same occurrence dated 28.02.2018 at *Tughlakabad* Railway Station, and involve substantially common questions of fact and law, they are being taken up together. *FAO 25/2020* arises from the claim application filed by the dependants of one *Om Prakash*, whereas *FAO 125/2021* arises from the claim application filed by the dependants of one *Rameshwar*.

Both deceased were travelling along with their respective wives and other co-villagers and the record of the Tribunal shows that both claim applications came to be decided on the same date. The respondent’s case in both matters is also founded on the same occurrence and the same version, namely, that while attempting to board Train No.19020 (*Dehradun* Express), the deceased were present on the off-side and were hit by Train No.12472 (*Swaraj* Express) running on the adjacent line.

3. Briefly stated, the case of the appellants, in both the cases, is that on 28.02.2018, *Om Prakash* and *Rameshwar* (hereinafter



collectively referred to as the “deceased”), along with their wives and other co-villagers, had reached *Tughlakabad* Railway Station to board Train No.19020. It is averred that there was a heavy rush of passengers and, after the train started moving, the deceased fell from the train and sustained serious injuries. Both were taken to AIIMS, where they subsequently succumbed to their injuries. The appellants relied upon the journey tickets purchased by the deceased as well as the contemporaneous police and medical record.

4. *Vide* the impugned judgment, the Tribunal, however, rejected the claims principally on the ground that the deceased were not injured while boarding Train No.19020, but instead were hit by Train No.12472 while standing on the adjacent railway line.

5. Learned counsel for the appellants has assailed the impugned judgments by submitting that the travel was undertaken by the deceased after purchase of journey tickets. Further, the DRM report itself acknowledges the purchase of the tickets. He further relies on the Loco Pilot’s Rough Journal of Train No.12472 and the Station Master’s Diary. Reliance has also been placed upon the fact that the Rough Journal was specifically called for by the Tribunal and the original, upon inspection, was found to tally with the copy already produced. It is contended that these records materially contradict the conclusion subsequently drawn in the DRM report.

6. Learned counsel for the respondent, on the other hand, supports the impugned judgments and submits that the deceased were hit by Train No.12472 while they were on the adjacent railway line and therefore, not injured in the course of boarding Train No.19020.



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Reliance has been placed upon the MLC history, the statement of *Lajja Devi* and the cross-examination of *Parvati* (in *FAO 125/2021*) , as also the DRM inquiry, to contend that the occurrence does not constitute an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”).

7. At the outset, the status of the deceased as *bona fide* passengers may be dealt with first. In the case of *Om Prakash*, the record contains journey ticket bearing No.43545246 for the journey from *Tughlakabad* to *Gangapur City*. His wife *Deepa Devi* had also stated in her evidence that they had purchased the ticket and boarded Train No.19020 along with the other villagers. In the case of *Rameshwar*, a journey ticket bearing No.43545244 was produced on record. The respondent has not disputed the purchase of the journey tickets as such, however, its objection is principally with regard to the manner in which the deceased sustained injuries. The Tribunal also did not return any adverse finding as to the deceased being *bona fide* passengers, and hence, the requirement of the Act is, therefore, satisfied in respect of both the deceased persons.

8. The principal question that now arises is whether the injuries sustained by the deceased constitute an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act. The factual circumstances in which the occurrence took place are important. It was the respondent’s own case that there was a heavy rush of passengers at the station and that the deceased, along with others, were attempting to board the train from the off-side. It is in this situation that Train No.12472, passing on the adjoining line, came into



contact with the deceased. Thus, the presence of the deceased at the off-side was directly connected with their attempt to board the train for which they were travelling.

9. The Rough Journal of the Loco Pilot of Train No.12472 records that “two persons were hit from the side”, and similarly, the Station Master’s Diary, forming part of the same record, mentions that “two persons along with one child were injured by Train No.12472 while hanging from the train”. The description of being hit from the side, coupled with the Station Master’s reference is consistent with the fact that the latter train caused the impact, and it cannot, not by itself establish that the deceased had abandoned the process of boarding their intended train and had independently positioned themselves on the railway line.

10. At this stage, a gainful reference may be made to the decision of the Supreme Court in “Union of India v. Rina Devi”³, wherein while considering whether an injury sustained by a passenger while boarding a train from the off-side could be treated as a self-inflicted injury, the Supreme Court observed:

“And at the same time, when a person is trying to board the train from the non- platform side, he will be standing on the heap of rubbles kept beneath the track and that too in a lower level. Furthermore, he will have to stretch himself to catch the handrails and struggle to climb up through the footboard hanging beneath the bogie. The probability of danger is increased in arithmetic progression when the train is moving. Visualising all these things in mind, it can only be held that the act of the appellant was the height of carelessness, imprudence and foolhardiness. It is indisputable that the purpose of Section 124A of the Act is

³(2019) 3 SCC 572



*to provide a speedy remedy to an injured passenger or to the dependants of a deceased passenger involved in an untoward incident. Section 124A of the Act provides for compensation to a passenger or his dependants who suffers injury or death, as the case may be, in an untoward incident even where the untoward incident is not the consequence of any wrongful act, neglect or default on the part of the Railway Administration. To this extent, it can be said to be a no-fault liability. Even though the provisions relating to payment of compensation in the Act can be said to be a piece of beneficial legislation, it cannot be stretched too much to reward a person who acts callously, unwisely or imprudently. **There is no provision of law brought to our notice permitting the passengers to entrain from the non-platform side of the railway track. However, the counsel for the respondent did not show any provision of law prohibiting the same. The question whether an act by which a passenger sustains injury while boarding a train through the off side, is a self-inflicted injury or not depends on the facts of each case. Merely because a person suffered injury in the process of getting into the train through the off side, it may not be sufficient to term it as a self-inflicted injury, unless the facts and circumstances show that his act was totally imprudent, irrational, callous and unmindful of the consequences ...***

(emphasis added)

11. Applying the aforesaid to the present facts of the case, there is no material to suggest that either of the deceased intentionally placed himself in the path of Train No.12472 with the object of causing injury. At the highest, the respondent's case attributes negligence to the deceased in attempting to board Train No.19020 from the off-side. However, such negligence cannot, by itself, be elevated to an intentional act so as to constitute a self-inflicted injury within the meaning of the proviso to Section 124-A.



12. Lastly, the statement of *LajjaDevi* also has to be considered in this factual setting. Her statement records the heavy rush at the station and describes passengers attempting to board Train No.19020. She thereafter states that a train came on the parallel line and hit the deceased persons. Her statement, therefore, supports the existence of the boarding-related commotion in which the occurrence took place. It does not, by itself, establish that the deceased had deliberately moved onto and remained upon the adjoining railway line independently of their attempt to board Train No.19020.

13. Upon a cumulative consideration of the aforesaid material, this Court is of the firm opinion that the occurrence cannot be taken out of the ambit of an “untoward incident” merely because Train No.12472, and not Train No.19020, caused the fatal impact. Such an accidental occurrence, arising in the course of the deceased’s attempt to board the passenger train, is covered by Section 123(c) of the Act, as well as by the decision of *Rina Devi* (supra).The appellants having, thus, established both the status of the deceased as *bona fide* passengers and the occurrence as an “untoward incident”, are entitled to compensation under the Act.

14. 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 10.09.2026.



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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

AUGUST 24, 2026
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