



2026:DHC:6986



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

% Reserved on : 10.08.2026
Pronounced on : 20.08.2026
Uploaded on : 20.08.2026

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SH. PRADEEP SHARMA Appellant
Through: Mr. Prashant Kumar
Shisodia, Advocate

versus

UNION OF INDIA Respondent
Through: Mr. Subhash Tanwar, SPC
with Mr.Sandeep Mishra,
Mr.Mohit KumarTomar and
Mr.Mayank Sehrawat,
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 08.11.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/GZB/006/2016 titled as "Sh. Pradeep Sharma vs. Union of India Through General Manager, Northern Railway, Baroda House, Delhi".

2. The brief facts of the case, as set out before the Tribunal, are that on 10.12.2015, the appellant/ *Sh.Pradeep Sharma* with a view



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to go to *Chandausi*, was boarding train no. 14114 (Link Express) from *Moradabad* Railway Station. While he was boarding the train, the train suddenly started with a jerk, he fell from the train and sustained serious injuries namely, among others, traumatic amputation of the left forearm. He was carrying a valid MST bearing no. 72817366, valid from 21.11.2015 to 20.12.2015, which was recovered at the spot.

3. *Vide* the impugned judgment, although the Tribunal held that the appellant was a *bona fide* passenger of the railways, however, dismissed the claim application on the ground that the alleged incident does not qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”),

1. Learned counsel for the appellant contended that the respondent did not lead any oral evidence and relied upon on the statutory DRM Report annexed thereto. It is submitted that the appellant had entered the witness box as AW-1 and supported his case regarding the manner of occurrence, whereas the respondent did not examine any witness in rebuttal. Learned counsel further submits that the injuries were sustained as a result of an untoward incident under Section 123(c) read with Section 124-A of the Act. In view of the principles of strict liability laid down in “*Union of India v. Prabhakaran Vijaya Kumar*”¹ and “*Jameela v. Union of India*”², mere allegations of negligence on the part of the passenger do not exonerate the Railway Administration.

¹(2008) 9 SCC 527

²(2010) 12 SCC 443



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2. *Per contra*, learned counsel appearing for the respondent supported the impugned judgment and submitted that the contemporaneous records, including the Station Master's diary, establish that the injured was brought to the Station Master's room at 18:50 hrs, which is the exact time of departure of Train No. 14114, making it impossible for him to have fallen from that train on the platform. Additionally, the Guard of the train also remained unaware of any fall. The respondent further submits that the appellant's own Discharge Summary records that he fell while crossing the railway track and was hit by an engine, establishing that the injuries did not result from any accidental fall from a passenger train.

3. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the appellant was a *bona fide* passenger. The said finding was based on the DRM Report, wherein it is admitted that a valid MST bearing no. 72817366 was found with the injured at the spot. The said finding has not been challenged by the respondent and has, therefore, attained finality.

4. The controversy in the present appeal is, therefore, confined to the issue as to whether the appellant died in an "untoward incident" within the meaning of the Act.

5. A perusal of the record would show that the appellant has consistently maintained owing to the considerable crowd on account of the *Kumbh Mela* and, he was attempting to board the train when it suddenly started moving. He was examined before the Tribunal as AW-1, wherein he categorically deposed that due to the sudden



movement and jerk of the train, he fell therefrom and sustained injuries. The respondent did not lead any evidence in rebuttal.

6. It is well-settled that an accidental falling of a passenger from a train, either while boarding or alighting, is an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act. {Ref: *Rina Devi* (supra)}.

7. The Tribunal’s finding that the appellant could not have fallen from Train No.14114 since he was brought to the Station Master’s room at 18:50 hours, the same time at which the train departed is based on an inference. The record does not disclose the precise time of the fall or the time taken in bringing the appellant to the Station Master’s room, and thus, the intervening period between the occurrence and the appellant being brought to the Station Master’s room cannot be said to be established from the record and even, no witness was examined to that effect.

9. The entry in the Discharge Summary records that while crossing the railway track, the appellant fell on the track and was hit by an engine. It is not borne out from the record as to on whose instance the said entry was made and no such person has been examined to prove the same.

8. The principle is also reinforced by the decision of this Court in “*Mohd. Ubaid v. Union of India*”³ wherein, in an injury claim involving traumatic amputation, it was reiterated that strict/no-fault liability under Section 124-A cannot be defeated merely by attributing negligence to the passenger unless the Railway

³2026 SCC OnLine Del 3239



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establishes a statutory exception by cogent evidence.

Accordingly, this Court holds that the injuries suffered by the appellant were on account of an “untoward incident” within the meaning of the Act.

9. In view of the above, the appeal is allowed and 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 09.09.2026.

10. The appeal is allowed in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 20, 2026

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