



\$~1

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

%

Judgment delivered on: 04.02.2022

+ FAO 261/2021 & CM APPL. 42543/2021

UNION OF INDIA

..... Appellant

versus

RAJU

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Himanshu Upadhyay, Advocate.

For the Respondent: Mr. Rajan Sood and Ms. Ashima Sood, Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Appellant impugns judgment dated 30.07.2021 passed by the Railway Claim Tribunal, Principal Bench allowing the claim petition and awarding compensation to the claimant/injured.
3. Learned counsel for the appellant submits that the Tribunal has erred in allowing the petition as there was no evidence adduced to show that any train accident had taken place. He submits that reliance has been placed on the admission and discharge summary of Raksha Hospital and Trauma Centre which itself mentions that the same is not to be used for medico-legal purposes. He further submits that the



DRM report has concluded that there was no information regarding any incident and no evidence to suggest that any accident had taken place.

4. Learned counsel for the appellant further submits that the statement recorded in the admission and discharge summary is also based on what had been informed to the doctor and the doctor has not concluded that any accident has taken place with a train and the recording is merely on the basis of what has been told to the doctor.

5. Subject claim petition was filed by the respondent claiming that he had sustained injuries in an incident on 21.08.2019 while he was travelling from *Sujra Halt* to *Delhi Shahdara Railway Station*. It is contended that he fell at *Sujra Halt* while trying to board the local train which resulted in amputation of his leg.

6. In support of the contention that he had travelled by the train he had produced a ticket No.68696 from *Sujra Halt* to *Delhi Shahdara*.

7. It is not in dispute that no complaint was lodged with the Railway police Force or General Railway Police with regard to the incident.

8. The claimant was taken by his father to Raksha Hospital and Trauma Centre and thereafter a complaint was lodged with the Civil police in the evening of the day of the accident.

9. The Tribunal in the impugned judgment has held that the DRM report had confirmed that the ticket number 68696 produced by the



claimant was among the 65 tickets sold from *Sujra Halt* to *Shahdara* on 21.08.2019 and the same is so reflected in the daily train cash book cum summary. Tribunal concluded that the ticket produced by the claimant had been verified.

10. The fact that claimant has been able to produce the ticket which has been verified would establish that the claimant was a bonafide passenger.

11. Coming to the incident, the Tribunal has noticed that the hospital admission and discharge certificate which were duly exhibited in evidence clearly recorded that the information provided to the doctor at the time of admission was that the injuries sustained on account of a train accident. This is so recorded in the admission slip as also the discharge summary.

12. Tribunal has held that the endorsement on the bottom of the document "*not valid for medico-legal purposes*", would be of no consequence for the reason that the document clearly mentions about the injury sustained by way of a train accident.

13. Even if said medical history is not to be used for medico-legal purposes, the entries recorded therein can certainly be relied upon to corroborate the version of the claimant.

14. The admission slip is the first information given to an independent third party i.e. the doctor about the accident. Clearly the Tribunal has not committed any error in holding that the document



cannot be said to be a figment of imagination on the part of the hospital or recorded to aid a future claim by the victim.

15. Claimant was taken to the hospital by his father in an injured condition. At the time of admission there was no reason for his father to falsely mention to the doctors that the injuries were sustained in a train accident if no train accident had taken place. The fact that it is so recorded in the admission slip as also the discharge summary corroborates the version of the claimant that an accident had occurred with a train.

16. With regard to not making any complaint to the Railway Police Force/General Railway Police, Tribunal has noticed that *Sujra Halt* where the claimant was boarding and sustained injuries is a halt station which does not have any Railway staff or RPF/GRP.

17. This has not been controverted by the Railways. It is not the case of the appellants that the finding so recorded by the Tribunal is erroneous and that there was RPF/GRP or Railway staff available at the place where the accident took place.

18. Further, the incident was reported to the civil police in the evening and the reason for the delay in lodging the complaint is that the father of the claimant was occupied with his son's injury and accordingly could not make a complaint to the police earlier.

19. There is no merit in the contention of learned counsel for the Appellant that the DRM report has concluded that there was no



information regarding any incident and no evidence to suggest that any accident had taken place. The DRM report has not returned any findings based on any evidence, the report merely records that there was no information or complaint received about the accident. As noticed hereinabove there was no report made to RPF/GRP or Railway staff as no such personnel were available at the place of the incident.

20. No other ground is raised or pressed.

21. Since nothing has been produced by the Appellant to controvert the findings of the Tribunal, the same do not warrant any interference by this Court.

22. Accordingly, I find no infirmity in the impugned judgment and consequently no merit in the appeal.

23. The appeal is accordingly dismissed.

24. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

FEBRUARY 04, 2022/rk