

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

FAO 134/2014

Date of Decision: 13.03.2023

IN THE MATTER OF:

UNION OF INDIA

..... Appellant

Through: Mr. Sumit Nagpal, Advocate

Versus

SATYANARAYAN SINGH & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987, the appellant has assailed judgment dated 29.11.2013 passed by the Railway Claims Tribunal, Principal Bench, Delhi in O.A. (Ilu) 215/2011, whereby the claim petition was allowed and compensation awarded to the respondents/family members of the deceased.

2. Before dealing with the contention raised on behalf of the appellant, I deem it apposite to capture the facts briefly. The claim petition came to be filed by the family members of the deceased, wherein it was stated that *Dev Prakash Singh* (deceased) undertook a train journey on 06.03.2011 vide train No. 12393 *Samp. Kranti Exp.* with SL

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Class reserved ticket No.50117274 from *Patna* to *New Delhi Railway Station*. When the train reached near *Tilak Bridge Railway Station*, due to jostling of passengers and a sudden jerk, the deceased fell from the crowded compartment of the moving train and expired while he was being taken to *JPN Hospital, Delhi*.

3. The Tribunal framed the following issues:-

"(i) Whether the death of the deceased had occurred, as a result of an untoward incident, as defined US 123 (c) (2) of the Railways Act, 1989?

(ii) Whether the deceased was a bonafide passenger of train, at the time of the incident on the relevant day?

(iii) Whether the application of Satya Narayan Singh is maintainable?

(iv) To what order/relief"

4. It is borne out from the records that the first information about the incident was given by one stranger who informed the booking office of *Tilak Bridge Station* that a passenger had been run over by train No.12393 *Samp. Kranti Exp.* on platform No.03 of the station while deboarding. DD No.15A was also recorded by the local GRP on 06.03.2011 to the aforesaid effect. In fact the police report confirms that during *Jamatalashi* of the deceased, besides the journey ticket, other documents relating to his identity and belongings were found.

5. The deceased had undertaken the journey on a confirmed ticket and in such facts, the Tribunal held him to be a *bonafide passenger*. Accordingly, I find no ground to interfere with the aforesaid finding.

6. Coming to the primary contention raised on behalf of the appellant in the present appeal, that the injury suffered by the deceased was in fact a self-inflicted injury, the same stands negated by the authoritative pronouncement of the Supreme Court in Union of India v. Rina Devi reported as **(2019) 3 SCC 572**, wherein it has been held as under:-

“25. We are unable to uphold the above view as the concept of ‘self-inflicted injury’ would require intention to inflict such injury and not mere negligence of any particular degree. Doing so would amount to invoking the principle of contributory negligence which cannot be done in the case of liability based on ‘no fault theory’. We may in this connection refer to judgment of this Court in United India Insurance Co. Ltd. versus Sunil Kumar laying down that plea of negligence of the victim cannot be allowed in claim based on ‘no fault theory’ under Section 163A of the Motor Vehicles Act, 1988. Accordingly, we hold that death or injury in the course of boarding or de-boarding a train will be an ‘untoward incident’ entitling a victim to the compensation and will not fall under the proviso to Section 124A merely on the plea of negligence of the victim as a contributing factor.”

(emphasis added)

7. In the present case, the deceased having been a *bonafide passenger* and his body having been found at platform No.3, *Tilak Bridge station* there is no doubt that the incident was an *untoward incident* as defined under Section 123(c) of the Railways Act, 1989.

8. In view of the above, I find no ground to interfere with the impugned judgment. Consequently, the appeal fails and the same is dismissed. The impugned judgment is upheld. The amount of compensation, if any remaining, be released to the respondents forthwith.

9. A copy of this judgment be communicated to the concerned Tribunal for information.

(MANOJ KUMAR OHRI)
JUDGE

MARCH 13, 2023

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