



\$~5

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

% ***Date of Decision: 19th December, 2025***

+ **FAO 135/2023 & CM APPL. 29785/2023 & CM APPL. 29787/2023
UNION OF INDIA THROUGH GENERAL MANAGER
NORTHERN RAILWAY**

.....Appellant

Through: Mr. Om Prakash, Mr. Chandresh
Pratap, Ms. Swati Mishra, Ms. Komal
Yadav, Mr. Prince Yadav, Advocates.

versus

DEEPAK MEHRA

.....Respondent

Through: Mr. Anshuman Rai, Advocate.

**CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN**

J U D G M E N T (oral)

1. The present appeal has been filed under Section 23 of the *Railway Claims Tribunal Act, 1987*.
2. Challenge is to the order dated 30.06.2022 passed by Railway Claims Tribunal (RCT) whereby claim petition filed by respondent Deepak Mehra has been allowed.
3. Facts lie in a very narrow compass.
4. Respondent Deepak Mehra (Claimant) was travelling in *Uttar Sampark Kranti Express* (Train No.12446). He was having a valid train ticket of journey from "*Beas to Delhi*" which had been issued on 03.05.2019. When the train reached Sadar Bazar Railway Station, Delhi in the morning of 04.05.2019, on account of heavy rush and sudden jerk, the claimant, who was standing near the door, fell down and received serious



injuries. He was immediately rushed to *Sushruta Trauma Centre, Delhi* where, unfortunately, his both legs had to be amputated below the knees, on account of injuries suffered by him in the abovesaid incident. He was, eventually, discharged on 20.05.2019 though, thereafter, he underwent Plastic Surgery as well.

5. The claim was filed on the premise that the accident had taken place due to negligence of the Railways as they failed to take requisite care and safety precaution for its passengers.

6. The claim was resisted by Union of India/Railways.

7. On the basis of pleadings, the following issues were framed by learned RCT for adjudication:-

“1) Whether the applicant was a bonafide passenger of the train in question at the relevant time of the incident?

2) Whether the injuries sustained by the applicant are on account of an untoward incident, as defined under Section 123 (c) read with Section 124-A of the Railways Act, 1989? If so, to what extent?

3) To what amount of compensation, if any, the applicant is entitled?

4) Relief, if any?”

8. The claimant filed his affidavit and was cross-examined by Union of India/Railways. He, however, did not examine anyone else in support of his claim.

9. Union of India/Railways did not lead any evidence and, merely, relied on investigation report of Divisional Railway Manager.

10. Learned RCT took note of the fact that the claimant was carrying a valid ticket from “*Beas to Delhi*” and the genuineness of the ticket was also duly verified as the concerned Deputy Chief Commercial Manager, SYS, Northern Railway certified that the ticket in question i.e. “*UTS ticket no.*



00J-76603805 was a journey ticket for One (1) passenger from Beas (BEAS) to Delhi (DLI) issued from Beas (BEAS) station on 03/05/2019 at 18:46 hrs.”.

11. Learned RCT came to conclusion that claimant was a *bona fide* passenger and that he had fallen from train, during such train journey. Relying on the ‘*principle of strict liability*’, which is cast upon the Railways as is very much discernible from *Union of India Vs. Rina Devi: (2019) 3 SCC 572*, the issues were decided in favour of claimant and, resultantly, he was held entitled to compensation of Rs. 8,00,000/- under Section 124A of the *Railways Act, 1989*.

12. Such order is under challenge.

13. The solitary ground taken in the appeal is to the effect that as per the claimant, he and his cousin Ajay were going from “*Beas to Delhi*” in the abovesaid train but fact remains that such train does not have any halt at Beas and, therefore, the claim ought to have been dismissed.

14. The train in question is 12446 *Uttar Sampark Kranti Express*. It starts from Katra in late evening and reaches New Delhi next morning. After it crosses Pathankot Cantt. the next two stations are Jalandhar Cantt. and Ludhiana Junction.

15. Admittedly, it does not touch or halt at Beas.

16. Learned counsel for claimant submits that the ticket in question had though been issued by Beas Railway Station, claimant never claimed that he had boarded the train from Beas. He submits that the claimant is resident of Amritsar and had come to Jalandhar from Amritsar, in a different train and, thereafter, from Jalandhar, he boarded *Uttar Sampark Kranti Express*. Geographically also, Beas is *enroute* if one travels from Amritsar to



Jalandhar and as already noted above, the train in question has a stop at Jalandhar.

17. He also submits that there is no embargo or prohibition in purchasing ticket either from Beas or for that matter undertaking journey for a lesser distance vis-à-vis the ticket. He contends that any possessor of ticket is not mandated to board the train from the Vending Station alone.

18. Quite obviously, the claimant did not make himself very clear, while filing the claim petition and making deposition. He should have, appropriately, clarified that though he had a ticket issued from Beas, he never boarded said train from Beas. Obviously it was not possible, even otherwise, since the train was not having any stop or halt at Beas Railway Station.

19. Fact, however, remains that his claim would not stand falsified merely because he had a ticket, issued from Beas.

20. As noted, the genuineness of the ticket was duly verified and certified.

21. Importantly, when he submitted his affidavit and entered into witness box for cross-examination, no specific and pin-pointed question was put to him in this regard. It was, nowhere, suggested to him that the abovesaid train had no stop or halt at Beas and, therefore, he could not have boarded the train from Beas. In absence of any such question or suggestion, nothing can be presumed in favour of Railways or against the claimant.

22. Moreover, Railways also did not examine any witness.

23. In the written statement, it was claimed that the ticket in question was procured, later on, as it had been issued from '*Ludhiana Railway Station*' but fact remains that such fact stood negated. As per the certificate of Deputy Chief Commercial Manager, as already extracted above, the ticket in



question was a valid one, issued from '*Beas Railway Station*' on 03.05.2019 at 18:46 hrs.

24. Moreover, the investigation report submitted by Railways contains one initial statement made by claimant on 04.05.2019 itself, which reveals that he had purchased the ticket in question from '*Beas Railway Station*' and boarded another train for reaching Jalandhar. He got down at Jalandhar Cantt. Railway Station, from where he boarded '*Uttar Sampark Kranti Express*'. Such statement was placed on record by Railways only and, virtually, clears the air.

25. Claimant and his cousin Ajay were travelling together in the same train.

26. It seems that the stand taken by claimant is, somehow, suspected by Railways for the reason that there was some mismatch between his version and the version given by his cousin. Ideally speaking, claimant should have examined his cousin. At the same time, there was nothing to prevent Railways either from calling such cousin in witness box in order to have necessary elucidation about the incident and place of boarding.

27. If the Railways were of the view that no such untoward incident had taken place while respondent was travelling in *Uttar Sampark Kranti Express*, it should have either put a specific suggestion to the abovesaid effect to the claimant or should have called the concerned Railway Official to demonstrate the same.

28. The standard of proof, while evaluating evidence in such type of claim is that of *preponderance of probabilities*.

29. Railways Act, 1989 is, indeed, a beneficial and welfare statute and, therefore, appreciation of evidence should be in consonance with the



objective sought to be achieved by the Act and for the benefit of the person for whom the Act has been created. Resultantly, such evaluation of evidence should be, relatively, liberal and not rigid and hyper-technical and benefit, if any, has to, therefore, to claimant. Moreover, where principle of 'strict liability' or no-fault liability applies, the aspect of negligence is not required to be gone into in a comprehensive manner.

30. In view of my foregoing discussion and particularly keeping in mind the fact that the ticket in question was found to be a valid one and was, in fact, issued from *Beas Railway Station*, the impugned order does not call for any interference

31. Finding no perversity or illegality in the findings returned by learned RCT, the appeal is dismissed.

32. Needless to say, since the disbursement of compensation is already delayed considerably, learned RCT would do the needful on priority basis, *albeit*, in accordance with law.

(MANOJ JAIN)
JUDGE

DECEMBER 19, 2025/ss/js