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

% **Date of decision: 22nd May, 2025**

+ **FAO 192/2022**

SMT. PAPPAN

.....Appellant

Through: **Mr. Rajan Sood, Ms. Ashima
Sood & Ms. Megha Sood,
Advs.**

versus

UNION OF INDIA

.....Respondent

Through: **Mr. Sushil Raaja, SPC.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. The appellant has filed the present appeal under Section 23 of the Railway Claims Tribunal Act, 1987 ('**RCT Act**') for setting aside the impugned order cum judgement dated 17.01.2022, passed by the learned Railway Claims Tribunal, Principal Bench, Delhi ('**learned RCT**') in Case No. OA/(11(u)/DLI/204/2019.

2. Having heard the learned counsels for the parties and on perusal of the record, this Court proceeds to decide the present appeal preferred by the appellant/injured, assailing the impugned judgment cum award dated 17.01.2022 passed by the learned RCT, thereby dismissing her claim for compensation on account of suffering injuries in a railway accident.

3. Briefly stated, it is the case of the appellant that on 09.09.2018, she was travelling from Agra to Mathura along with Sh. Pooran Singh when she accidentally fell down from the train no.12641 Express at



Mathura Station and sustained injuries, resulting in permanent disability in her both legs.

4. The respondent/Railways contested the claim petition and relied on the DRM Report dated 27.07.2020 to the effect that although the appellant/claimant was a *bona fide* passenger but she sustained injuries while trying to get off a running train which did not have any scheduled stoppage at Mathura Station, but was only passing through Mathura Railway Station. The learned RCT, based on the pleadings of the parties, framed the following issues:-

- “1. Whether the applicant was a bona-fide 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?”

5. At this stage, it would be apposite to reproduce the findings recorded by the learned RCT in the dismissing the claim petition, which read as under:-

“7. After hearing arguments and perusal of records, it is seen that the claimant has not tiled any evidence to suggest that she accidentally fell from the train. The RPF record, cited by the claimant herself, does not support her case. Neither does the hospital record as already discussed above. There is unanimity about the facts of the case and it is clear that the claimant was to travel to Mathura and had purchased a ticket from Agra to Mathura. However, she had boarded 12641 which does not stop at Mathura Station. She tried to get off this moving train after seeing her co-passenger Pooran Singh jumping off after it had slowed down when passing through platform no. 2. Both claimant Pappan and Pooran Singh had said the same to the officials present at the time of the incident itself as per RPF Roznamcha cited by applicant herself: Ex. A-t. It is only later, when filing claim and affidavit,



claimant said that she had fallen and she has denied jumping off the train in her cross examination. However, all the facts and evidences, including contemporaneous records tiled by claimant herself and their own statements at that time, establish that this was a case of jumping off the moving train and the claimant has not accidentally fallen.

8. The question that arises is whether this constitutes an untoward incident. While deciding this it has to be recognised that there is a distinction between boarding/deboarding a train which is stationary or is slowing to a stop or picking up speed after stopping, as opposed to an attempt to get off a moving train which does not have a stoppage. In the case of a train which is running through and does not have a stoppage, clearly the act of getting off is equivalent to jumping off the train deliberately. Jumping off a train which has no stoppage cannot be held to be an untoward incident and cannot be equated with an act of deboarding a train. Such an act is foolhardy and callous and the person indulging in such an act cannot be unmindful of the dangerous consequences. Jumping off a moving train is fraught with danger and, in the present case, the injuries to the claimant reveal its dangerous consequences. The victim cannot say that she was unaware of the danger and her action in jumping off the moving train even when she knew that the train will not stop cannot be treated as an untoward incident and no liability can lie upon the Railways for this act. Had the Railways intended that passengers for Mathura could board this train they would have provided a stoppage for doing so. Just because the train was moving slowly did not give the claimant a license to jump off even when the train was moving and did not have any scheduled stoppage at Mathura. Jumping off a moving train which does not have a stoppage is not defined as an 'untoward incident' in Section 123 of The Railways Act. Under the circumstances and seeing the matter in totality it is held that the claimant did not suffer her injuries in an untoward incident but was herself responsible for committing a dangerous act. As such, she did not become a victim of an untoward incident and issue no. 2 is decided against the claimant.

9. There is no dispute about the fact that the claimant had a ticket upto Mathura but issue no. 1 is not relevant as issue no.2 is decided against the claimant. No compensation and relief is payable and issue nos. 3 and 4 are decided accordingly.”

6. First things first, there is no dispute as regards the deceased possessing a valid railway/journey ticket, and therefore, she has



rightly been held to be a *bona fide* passenger within the meaning of Section 124-A of the Railways Act, 1989. Insofar as the issue of negligence or self-inflicted injuries is concerned, it is pertinent to refer to the statement of Sh. Harish Chand Sahoo who was a railway guard deployed at the relevant time at the Mathura Junction who made a statement, immediately after the incident that the train no.12641 was passing through Mathura Station from platform no.2 and it was moving at a slow speed when all of a sudden, due to decline in pressure, it halted at about 17:21 hours and he was informed by the Loco Pilot that somebody had pulled the emergency train/brake and therefore, he got down from the train and came to know that one passenger had fallen and sustained injuries.

7. The statement of Sh. Pravender Chandra, a Loco Pilot, was also recorded soon after the accident, who testified that when the train was slowly moving out of the Mathura Station, somebody pulled the chain and he was informed by the guard that a lady had attempted to deboard the running train and had fallen down and sustained injuries.

8. Although the DRM Report was filed almost after two years of the incident, it also verified the fact that the appellant/claimant was travelling in train no.12641 which was not having any schedule halt at Mathura Railway station and there was rather given a signal allowing the train to pass through the junction without any halt.

9. The aforesaid facts go on to suggest that the appellant had boarded the train which was not meant to make a halt at Mathura Railway Station and it appears that while it was slowly passing through Junction, the appellant/claimant attempted to alight the train



and in the process, suffered grievous injuries. The aforesaid negligent act on the part of the appellant, exonerates the respondent from any liability to pay compensation.

10. It is pertinent to mention here that Section 124-A of the Railways Act, 1989 provides as under:

“124A. Compensation on account of untoward incidents.—

When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only of loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

- (a) suicide or attempted suicide by him;
- (b) self-inflicted injury;
- (c) his own criminal act;
- (d) any act committed by him in a state of intoxication or insanity;
- (e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purpose of this section, “passenger” includes— (i) a railway servant on duty; and (ii) a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.”

11. A bare perusal of the aforesaid provision would show that where the passenger himself has been guilty of committing a rash and negligent act that results in death or injury, the Railways are exonerated from any liability to pay compensation in case of death or injury. The act of the appellant in the instant case would certainly



amount to suffering a self inflicted injury.

12. At the cost of repetition, the appellant attempted to deboard a running train at a station where the train had no scheduled halt, and therefore, the said act on the part of the appellant clearly amounts to committing a negligent act, for which Railways cannot be made liable.

13. In the said view of the matter, I am afraid that the findings recorded by the learned RCT cannot be held to be illegal, perverse, incorrect or suffering from any incorrect approach in law.

14. In view of the above, the present appeal is dismissed.

DHARMESH SHARMA, J.

MAY 22, 2025

Ch/ES