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

% **Date of decision: 26th March, 2025**

+ **FAO 164/2022 & CM APPL. 27119/2022**

MITHLESH & ORS.

.....Appellants

Through: **Mr. Sanchit Vashistha and Mr.
Shobhit Sharma, Advs.**

versus

UNION OF INDIA

.....Respondent

Through: **Mr. Syed Abdul Haseeb, CGSC**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. The appellants, who are wife and five children of the deceased Guman Singh Gujar, aged about 70 years, have preferred the present appeal under Section 23 of the Railways Claims Tribunal Act, 1989, [“Act”], seeking quashing of the judgment/ order dated 13.11.2019 passed by the learned Presiding Officer, Railway Claims Tribunal, Delhi [“RCT”], whereby the claim petition filed by the appellants seeking statutory compensation on account of death of Guman Singh Gujar, was dismissed.

2. In a nutshell, it is the case of the claimants/appellants that the deceased Guman Singh Gujar was working as a labourer at Coimbatore and, on 22.07.2015, was travelling from Coimbatore to Mathura on a valid journey ticket bearing No. 164471406 valid from Coimbatore to Mathura. It is claimed that as the train approached Mathura Junction Railway Station, the deceased, who was standing in the gallery of the compartment



near the gate, fell due to a sudden violent jerk and over-crowding in the train compartment, sustaining grievous injuries that ultimately led to his death.

3. The respondent contested the claim petition and in his written statement relied upon the DRM report and denied that it was the case of 'untoward incident' within the meaning of Section 124(A) of the Railways Act, 1989. It was also submitted that no railway record of any incident at Mathura Railway Station was found and the deceased died due to his own negligence.

4. Learned RCT based on the pleadings of the parties framed the following issues:

- (1) Whether the deceased was a Bonafide passenger in the train in question at the time of incident?
- (2) Whether the deceased had died in an untoward incident, while travelling in the train within the meaning of Section 123(c) of Railway Act?
- (3) Whether the Respondents are protected under the exemption clause of Section 124-A of the Railways ACT and are not liable to pay any compensation?
- (4) Whether the applicants are the sole heirs of the deceased?
- (5) Relief, if any?

5. Issues No. 1 and 2 were decided against the claimants and hence the claim petition was dismissed, which decision is assailed in the present appeal.

ANALYSIS AND DECISION:

6. Having heard the learned counsels for the parties and on perusal of the record, it would be expedient to reproduce the findings recorded by the learned RCT while deciding Issues No.1 and 2, which goes as under:-



“Issue Nos.01 & 02:-

It is submitted in the claim application that deceased Guman Singh Gurjar was working as a labourer at Coimbatore and he was travelling from Coimbatore to Mathura Junction with a valid rail ticket bearing no. 164471406. He started his journey from Coimbatore on 20.07.2015.

Counsel for the respondent filed DRM's report marked as R-1. As per DRM's report, he was travelling by train no. 12651 and the name of train is Trivandrum Express. It is submitted by the respondent that this train has no stoppage at Mathura junction and as per report, when the train had no stoppage at Mathura Junction, still he jumped from the train. The incident had happened at Mathura junction and he sustained grievous injuries.

Applicant Smt. Mithlesh examined as AW-01, as per his affidavit, journey was up to Mathura. As per cross-examination of Mithlesh wife of the deceased, she confirmed that the incident had happened at Mathura Junction and she was not accompanying with the deceased. Respondent admitted that he tried to de-train at Mathura and he has his own reason to de-train at Mathura because his ticket was only up to Mathura only. And from the evidence produced by the applicant and the train was not to stop at Mathura Junction because train has no stoppage at Mathura Junction. TSR is also filed. As per TSR, the train no. 12651 passed at 16.05 hrs. and as per Railway record, the train was passed through from platform no. 02. So, the theory put forward by the applicant is not applicable in this case. As the deceased has got every reason to de-train at Mathura and the incident is covered by exception of Section 124(C) 2 of Railway Act, 1989.

During argument respondent counsel relied on the submission of the claimants in the claim application detail in Para 3, Annexure 1 which reads as under:

“That the deceased started his journey from Coimbatore on 20/07/2015 for his onward journey to Mathura, On 22/07/2015 when the train was approaching at Mathura Jn. Railway Station, the deceased who was standing in the gallery of the compartment near the gate for getting down at Mathura Railway Station at the same time all of a sudden the train jerked violently and due to sudden jerk Sh. Guman Singh Gurjar (s.d) received a thrust from crowd inside the train compartment due to which the deceased could not control himself and for the reason stated above fell down from the running train and received serious/grievous injuries.”

From the above aforesaid admission in claim application the deceased was to get down from the train at Mathura, whereas the train from Coimbatore train no. 12651 had no stoppage or no



schedule stoppage at Mathura and it was run through train.

Looking to the facts connecting ticket with the journey and the sequence of incident I hold hereby that in view of ticket he was a bona fide passenger but as regards untoward incident and compelling circumstances the incident was not an untoward incident and can be termed as “self-inflicted injury” because the victim Guman Singh Gurjar had all the reason to de-train at Mathura as per inquest and Para 11 of the claim application nothing was lost in the incident.

For the reasons recorded above, issue nos. 1 decided in favour of applicants and issue no. 2 is decided against the applicants being covered under Exception Clause of Section 124-A of Railways Act, 1989.”

7. Upon a careful perusal of the reasons given by the learned RCT, alongwith the documents produced and proven during the course of the inquiry before the learned RCT, this Court finds that the findings rendered by the learned RCT, that the deceased did not die in an ‘untoward incident’ and that the injuries were self-inflicted, cannot be sustained in law.

8. First thing first, the learned RCT rightly held that the deceased was a ‘bonafide passenger’ as a valid railway journey ticket was found on his body. However, the finding recorded by the learned RCT that the train had no halt or scheduled stoppage at Mathura Junction is belied from the documents placed on the record.

9. No documents are placed and proven on the record that would suggest that the train had no scheduled stoppage at Mathura Junction. Moreover, no witness is examined by the respondent that would substantiate that the deceased was attempting to deboard a moving train or was in any way grossly negligent, thereby self-inflict injury upon his body. On the contrary, the Panchanama report clearly indicates that the findings of the initial enquiry suggested that the deceased had fallen out from a



moving train.

10. The observation made by the learned RCT that the deceased had probably attempted to alight or deboard a moving train, is based on surmises and conjunctions, which are not substantiated by any evidence produced during the enquiry before the learned RCT.

11. In view of the foregoing discussion, the present appeal is allowed. Since the accident occurred on 22.07.2015, the appellants shall be entitled to a maximum compensation of Rs. 8,00,000/- (Rupees Eight Lacs Only), i.e., Rs. 4,00,000/- plus interest @ 12% per annum from the date of the accident till realization, subject to a maximum ceiling of Rs. 8,00,000/-. The said amount shall be paid to the appellants/claimants within four weeks from today, failing which the respondent shall be liable to pay interest @ 12% per annum from the date of this judgment till realization to the appellants.

12. All pending applications are also disposed of accordingly.

DHARMESH SHARMA, J.

MARCH 26, 2025/SP