



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.1322 OF 2025

Sneha d/o. Ganesh Gawali,
Aged about 23 years, Occ. Education,
R/o. Behind Royal Palace, Viyankatesh
Nagar, Shegaon, Tq. Shegaon
Dist. Buldhana. 444 203 (M.S.)

... APPELLANT

VERSUS

Union of India
Through General Manager,
Central Railway, CST Mumbai.

... RESPONDENT

Shri P.U. Kavishwar, Advocate for appellant
Ms Neerja G. Chaubey, Advocate for respondent

CORAM : PRAVIN S. PATIL, J.

DATED : 21.08.2026

ORAL JUDGMENT

1. Heard.
2. In the present appeal, challenge is to the judgment and order passed by Railway Claims Tribunal, Nagpur Bench, Nagpur in Claim Application OA(IIu)NGP/84/2021, decided on 27.10.2023.

3. The case of the appellant before the Claims Tribunal was that on 09.04.2019, appellant was travelling in a train No.18029 by purchasing a general class ticket from Shegaon to Akola along with her luggage. After the train reached at platform No.2, Akola, she alighted from the train. However, immediately she remembered that her bag/luggage was left in the compartment and, therefore, to collect the same, she has again boarded in the train. The halt of the train at Akola station was for three minutes. As she has taken the luggage and was likely to alight from the train, the train has started and because of that jerk, she fell down from the train and sustained injuries.

4. According to the appellant, she has got injury to her leg. As such, due to this untoward incident, she has moved before the Claims Tribunal for claiming compensation for the injury caused in the untoward incident.

5. The respondent Railway Administration has strongly opposed the application. According to them, the act of the

appellant is intentional. She being an educated lady was well aware that the stop of the train is only for three minutes and as she was careless and left the luggage in the compartment, she ought to have waited in the train itself when it was started. But she intentionally decided to alight from the train when it was moving and, therefore, considering this act on the part of the present appellant, it comes under the category of self-inflicted injury and thereby she is not entitled for any compensation in the matter.

6. In light of this submission of both the parties, the learned Tribunal, by the impugned judgment, dismissed the application by holding that the appellant was on the ground of negligence of the appellant.

7. The appellant who challenged the judgment of the Claims Tribunal before this Court has raised various grounds in the present appeal. However, he has pointed out that if the entire incident is looked into, it is clear that there was no intention of

the appellant for causing self-inflicted injury. According to him, as her bag was remained in the compartment, in a spur of a moment, she turned back and entered into the coach and after obtaining the bag, she has tried to alight from the train and in that two minutes, this incident was taken place. As such, according to him, considering these circumstances, by any stretch of imagination, it cannot be considered as a self-inflicted injury.

8. The appellant has relied upon the various judgments and more particularly the judgment of Hon'ble Supreme Court of India in the case of ***Union of India vs. Rina Devi, reported in AIR 2018 Supreme Court 2362*** in paragraph No.16.6, which reads as under:

“16.6 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. Re: (iii) Burden of Proof When Body Found on Railway Premises – Definition of Passenger ."

9. According to him, this case of the appellant does not come under the category of self-inflicted injury because for such purpose, the intention of the person needs to be reflected in the matter. It is an admitted fact that the train was having a stop of only three minutes. The bag of the appellant remained in the coach and in a normal course, she re-entered into the coach and collected her bag and then alighted from the train. Hence, considering this incident, at the most can be said to be a negligence on the part of the appellant for not collecting her luggage while alighting from the coach at first instance.

10. The appellant has further relied upon the judgment of Hon'ble Supreme Court of India in the case of ***Union of India vs. Prabhakaran Vijaya Kumar and others, reported in (2008) 9 SCC 527***, wherein the Hon'ble Supreme Court of India has

recorded the specific finding in paragraph Nos.14 and 15, which reads as under:

“14. In our opinion, if we adopt a restrictive meaning to the expression 'accidental falling of a passenger from a train carrying passengers' in Section 123(c) of the Railways Act, we will be depriving a large number of railway passengers from getting compensation in railway accidents. It is well known that in our country there are crores of people who travel by railway trains since everybody cannot afford traveling by air or in a private car. By giving a restrictive and narrow meaning to the expression we will be depriving a large number of victims of train accidents (particularly poor and middle class people) from getting compensation under the Railways Act. Hence, in our opinion, the expression 'accidental falling of a passenger from a train carrying passengers' includes accidents when a bona fide passenger i.e. a passenger traveling with a valid ticket or pass is trying to enter into a railway train and falls down during the process. In other words, a purposive, and not literal, interpretation should be given to the expression.

15. Section 2 (29) of the Railways Act defines 'passenger' to mean a person traveling with a valid pass or ticket. Section 123(c) of the Railways Act defines 'untoward incident' to include the accidental falling of any passenger from a train carrying passengers. Section 124A of the Railways Act with which we are concerned states :

"124A. Compensation on account of untoward incident. - 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 for 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 purposes of this section, "passenger" includes -

- (i) a railway servant on duty; and*
- (ii) a person who has purchased a valid ticket for traveling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident."*

11. The Hon'ble Supreme Court of India has specifically held that the expression "accidental falling of a passenger from a train carrying passengers" cannot be given a restrictive meaning.

The said expression shall be given a purposive interpretation and on that basis, the claim applications are required to be decided.

12. The appellant then further relied upon the judgment of the Hon'ble Supreme Court in the case of ***Jamila and ors. vs. Union of India, reported in AIR 2010 Supreme Court 3705***, wherein the Hon'ble Supreme Court has observed in paragraph No.5 as under:

“5. We are of the considered view that the High Court gravely erred in holding that the applicants were not entitled to any compensation under [section 124A](#) of the Act, because the deceased had died by falling down from the train because of his own negligence. First, the case of the Railway that the deceased M. Hafeez was standing at the open door of the train compartment in a negligent manner from where he fell down is entirely based on speculation. There is admittedly no eyewitness of the fall of the deceased from the train and, therefore, there is absolutely no evidence to support the case of the Railway that the accident took place in the manner suggested by it. Secondly, even if it were to be assumed that the deceased fell from the train to his death due to his own negligence it will not have any effect on the compensation payable under [section 124 A](#) of the Act.”

13. On the basis of this judgment of the Hon'ble

Supreme Court of India, it is the submission of the appellant that learned Tribunal has committed an error by treating the incident took place in the matter as a self-inflicted injury on the part of the appellant and thereby rejecting the entire claim application of the appellant.

14. In the present matter, the appellant has filed the discharge certificate issued by the Government Medical College and Hospital, Akola before the Railway Tribunal, stating therein that appellant was admitted in the hospital on 09.04.2019 and was discharged on 21.04.2019. This discharge card shows that there was a foot crush injury and thereby she was treated in the hospital for almost 12 days. In view of this, as per the circular issued by the Railway Accident and Untoward Incident (Compensation) Rules, 1990, in my opinion, the appellant is entitled for the compensation of Rs.1,60,000/- for injury caused to her toes of one foot. Hence, the following order is passed:

ORDER

- i) The First Appeal is allowed.

ii) The judgment and order passed by the learned Railway Tribunal in Claim Application OA(IIu)NGP/84/2021, dated 27.10.2023 is hereby quashed and set aside.

iii) The appellant is entitled for the compensation of Rs.1,60,000/- along with interest at the rate of 6% from the date of accident till its full realization.

iv) The amount of compensation be deposited directly in the account of appellant within a period of three months.

15. The First Appeal stands disposed of accordingly. No order as to the costs.

(PRAVIN S. PATIL J.)

R.S. Sahare