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

% Reserved on : 12.10.2026
Pronounced on : 19.11.2026
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 # CNR No. DLHC010260402022
+ FAO 190/2022

SH RAJESH ALIAS RAJESH KUMAR YADAV .....Appellant

Through: Mr.Neeraj Sharma, Advocate

versus

UNION OF INDIA .....Respondent
Through: Mr.Vedansh Anand, SPC with Mr. Shivam Kumar and Mr. Kush Garg, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 30591/2022 (condonation of delay)

1. By way of the present application, the applicant/appellant seeks condonation of delay of 82 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 82 days in filing the appeal is condoned.

3. The application is disposed of.

FAO 190/2022

1. By way of the present appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987, the appellants seek to assail the judgment dated 27.10.2021 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No.

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OA/II(u)/DLI/202/2019.

2. Briefly, the case set up by the appellant before the Tribunal was that on 08.08.2018, after purchasing a valid railway journey ticket from *Mugalsarai* to *Anand Vihar*, he boarded Train No. 12367 (*Vikramshila* Express). It was averred that on 09.08.2018, when the train was passing through *Ghaziabad* Railway Station at a slow speed, he was standing near the door of the coach to go to the washroom and was pushed by fellow passengers who were boarding and deboarding the train, as a result of which he accidentally fell from the moving train. He sustained grievous injuries, resulting in amputation of his left leg below the knee and right leg near the ankle.

3. The Tribunal considered the issues relating to *bona fide* passenger status and the alleged "untoward incident" together, being interconnected. Upon appreciation of the material on record, it found that no journey ticket had been recovered from the appellant and, more importantly, that the appellant's own statement recorded before the RPF disclosed that he had come near the coach door to deboard the train while it was passing through *Ghaziabad* at a slow speed. The Tribunal consequently held that the occurrence did not qualify as an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act") and dismissed the claim.

4. Learned counsel for the appellant submits that the appellant had boarded the *Vikramshila* Express for his journey to *Anand Vihar*, after purchasing a valid journey ticket. Learned counsel submits that the journey ticket, which was kept in the appellant's shirt pocket, was lost in the accident and that non-recovery of the ticket, by itself, could not be a ground to deny

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him the status of a *bona fide* passenger. It is further contended that the fall was accidental and squarely falls within the meaning of an untoward incident under Section 123(c)(2) read with Section 124-A of the Railways Act, 1989 (hereinafter referred to as the "Act"). Reliance is placed on the decision of the Supreme Court in "*Union of India v. Rina Devi*"[1], to contend that an accidental fall while boarding or deboarding a train would constitute an "untoward incident" and that negligence on the part of a passenger would not, by itself, absolve the Railways of its statutory liability.

5. *Per contra*, learned counsel for the respondent submits that the appellant failed to establish that he was travelling as a *bona fide* passenger, as no journey ticket was recovered from his possession when his statement was recorded by the GRP/RPF. On the question of the occurrence, learned counsel submits that the DRM report records the appellant's own statement recorded before the RPF, wherein he stated that while the train was passing through *Ghaziabad* at a slow speed, he came near the coach door to deboard and fell from the moving train.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. At the outset, it may be noticed that the provisions of the Act relating to compensation for railway accidents are beneficial in nature and are required to receive a liberal and purposive interpretation. In "*Rina Devi*" (*supra*), the Supreme Court held that the initial burden of establishing that the injured or deceased was a *bona fide* passenger is not onerous. It was further held that mere non-recovery of a journey ticket, by itself, would not be sufficient to reject a claim, once the claimant has discharged the initial

[1] (2019) 3 SCC 572

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burden by placing the foundational facts before the Tribunal.

8. In the present case, the appellant appeared as AW-1 and tendered his evidence by way of affidavit. He specifically deposed that he had purchased a valid journey ticket for travelling from *Mughalsarai* to *Anand Vihar* and that he had fallen from the train while it was passing through *Ghaziabad*. His explanation was that the ticket was kept in his shirt pocket and was lost in the incident. The fact that no ticket was recovered from him was, therefore, required to be considered along with his testimony and the other material on record. Non-recovery of the ticket, in itself, could not have been treated as conclusive proof that the appellant was travelling without a valid ticket.

9. More importantly, the finding returned by the Tribunal regarding the manner in which the incident occurred suffers from a material infirmity. The Tribunal has primarily based its conclusion on the initial statement of the appellant recorded before the RPF. On the basis of the said statement, the Tribunal concluded that the appellant had attempted to deboard from the train which was passing through *Ghaziabad* and had no scheduled stoppage at the station.A perusal of the record, however, shows that the aforesaid statement was never put to the appellant during his cross-examination. The respondent did not confront the appellant with the said statement or put to him that he had attempted to deboard a train which was passing through *Ghaziabad*. Consequently, the appellant was never afforded an opportunity to explain the circumstances in which the alleged statement came to be recorded or to clarify the version attributed to him therein. In the absence of such confrontation, the Tribunal could not have treated the said statement as an admission on the part of the appellant and made it the primary basis for

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rejecting his claim.

10. Further, even assuming that the appellant was standing near the coach door while the train was passing through *Ghaziabad*, the same would not, by itself, establish that he was attempting to deboard the train. The appellant's specific case was that he was near the door to go to the washroom and that he fell due to pushing and jostling by other passengers. In the absence of any effective challenge to this version, the conclusion that he had consciously attempted to get down from a moving train is not supported by the evidence on record.

11. In this regard, a gainful reference may also be made to the decision of the Supreme Court in "*Jameela&Ors. v. Union of India*"[2], wherein it was held that even where negligence is attributable to a passenger, the same would not, by itself, absolve the Railways of its statutory liability under Section 124-A of the Act. The distinction between negligence and self-inflicted injury is also explained in "*Rina Devi*" (*supra*). For the exclusion relating to self-inflicted injury to apply, there must be an intention to inflict the injury upon oneself. Mere negligence or contributory negligence would not be sufficient.

12. Tested on the aforesaid anvil, the material on record does not establish that the appellant had deliberately attempted to deboard the moving train or that the injuries sustained by him were self-inflicted. His case that he accidentally fell from the train while travelling as a passenger has not been dislodged by any cogent evidence. The occurrence, therefore, falls within the ambit of an "untoward incident" under Section 123(c)(2) of the Act. The appellant has also discharged the initial burden of establishing his status as a

[2](2010) 12 SCC 443

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bona fide passenger.

13. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on11.12.2026.

14. The appeal is allowed and disposed of in the above terms.

15. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 19, 2026
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