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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 274/2019

GORE LAL MAHTO

.....Appellant

Through: Mr, Rajan Sood, Ms. Ashima Sood
and Ms Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Ms. Arunima Dwivedi CGSC, Ms.
Himanshi and Ms. Monalisha
Pradhan, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

30.03.2026

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment dated 12.11.2018, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* in Claim Application No. OA (IIU) No. 315/2017, titled as 'Gore Lal Mahto v. Union of India'.

2. Vide the aforesaid judgment, the learned Tribunal dismissed the claim application filed by the appellant herein on the ground that he was neither a bona fide passenger nor that the alleged incident constituted an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act").

3. Briefly stated, the facts of the case, as set out in the claim application, are that on 16.08.2017, the appellant had allegedly boarded a train from *Mandawali Chander Vihar* Railway Station for travelling to *Ghaziabad* on the strength of a valid journey ticket. It was his case that, when the train reached *Anand Vihar* Railway Station, he accidentally fell from the train and



sustained serious/grievous injuries, resulting in amputation of his right hand up to the shoulder level.

4. *Mr. Rajan Sood*, learned counsel for the appellant, while assailing the impugned judgment, besides challenging the finding on *bona fide* passenger status, contends that the learned Tribunal erred in recording that there was no scheduled stoppage at *Mandawali Chander Vihar* halt station. He submits that *Mandawali Chander Vihar* being a halt station, there is no Station Master and in the absence of any Station Master record, reliance was placed on the TSR of *Anand Vihar* Railway Station, which shows the arrival and departure timings of the train at *Mandawali Chander Vihar* Station. It is also contended that though an application was filed for examining the Loco Pilot of Train no. 64032, by which the claimant had undertaken the said journey, the same was not considered, despite the fact that his testimony would have been material in establishing whether the train had, in fact, halted at *Mandawali Chander Vihar* Station on the relevant date. It is submitted that the learned Tribunal, instead, discarded this aspect only on the presumption that since the said train had no scheduled stoppage at the station, no such halt could have occurred.

5. *Ms. Arunima Dwivedi*, learned CGSC, while referring to the Written Statement filed by the respondent before the RCT, submits that no train, other than Train Nos. 64434 and 64110, passed at 12:06 hours and 18:08 hours respectively on that day, and no train was scheduled or recorded to have passed at the time claimed by the appellant.

6. Learned counsel for the appellant further refers to the TSR placed on record and submits that it indicates that Train No. 64032 had passed at about 16:53 hours, whereas the first information regarding the incident was



received at 17:20 hours.

7. A perusal of the impugned order shows that the learned Tribunal has observed that there is no scheduled stoppage at *Mandawali Chander Vihar* station. However, despite a specific query put to the learned counsels, it is not clear on what basis this observation was recorded by the learned Tribunal.

8. At this stage, learned counsel for both parties submit that the evidence presently available on record is insufficient. It is, therefore, jointly prayed that the matter be remanded to the learned Tribunal to lead additional evidence in this regard.

9. In view of the aforesaid submissions and considering the peculiar facts and circumstances of the present case, the impugned order is set aside to the aforesaid extent, the matter is remanded back to the learned Tribunal to lead additional evidence, in accordance with law.

10. For this purpose, the matter be listed before the learned Tribunal at the first instance on 13.04.2026.

11. Accordingly, the appeal is disposed of in the above terms.

12. A copy of this order be communicated to the concerned Tribunal.

MANOJ KUMAR OHRI, J

MARCH 30, 2026

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