



2026:DHC:2002



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

% Reserved on : 11.02.2026
Pronounced on : 10.03.2026
Uploaded on : 10.03.2026

+ **FAO 261/2022**

SH. MOHD RAHEESAppellant
Through: Ms. Dristi Bana, Advocate.

versus

UNION OF INDIARespondent
Through: Mr. Nirvikar Verma, SPC for UOI.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 26823/2024

1. This applications is filed by the applicant/appellant seeking condonation of delay of 30 days in filing of the application.
2. For the reasons mentioned in the application, it is allowed and the delay of 30 days in filing of the application is condoned.
3. The application is disposed of accordingly.

CM APPL. 26822/2024

1. By way of the present application filed under Order XXII Rule 9 read with Section 151 of the Code of Civil Procedure, 1908 the applicants seek setting aside of the abatement of the present appeal.

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2. Learned counsel for the applicants submits that the legal representatives of the deceased appellant could not be brought on record within the prescribed period as they were untraceable, due to which the appeal came to be abated.

3. Having considered the submissions and for the reasons stated in the application, the present application is allowed. The abatement of the appeal is set aside.

4. The application stands disposed of accordingly.

CM APPL. 26824/2024(To bring on record LR of deceased appellant)

1. The present application has been filed for bringing on record the LR of the deceased appellant who has expired on 17.10.2023.

2. The present application is allowed. The amended memo of parties is taken on record.

3. The present application stands disposed of.

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1. The present appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 23.11.2021 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in OA/II(u)/DLI/154/2019, whereby the claim petition was filed seeking statutory compensation on account of injuries sustained in an untoward incident was dismissed.

2. Sh. *Mohd Rahees*, was the claimant before the Tribunal. He claimed to have suffered grievous injuries resulting in permanent disability while



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travelling as a passenger in a train. The claim petition was filed invoking the provisions of Sections 123(c) and 124-A of the Railways Act, 1989.

3. It was the case of the claimant before the Tribunal that on 17.11.2018, he had purchased a valid mail/express train ticket to travel from *Gondia* to *Nagpur* for his onward journey to *Delhi*. He mistakenly boarded Train No. 58117 (*Jharsuguda-Gondia* Passenger) from Platform No. 2 under the belief that the said train would proceed towards *Nagpur*. Upon realising that the train had terminated at *Gondia*, he attempted to alight and accidentally fell from the train due to a sudden jerk, resulting in grievous injuries, including bilateral amputation of both legs.

4. The Tribunal held that the applicant had failed to establish that the claimant was a *bona fide* passenger or that the incident constituted an “untoward incident” under Section 123(c) of the Railways Act, 1989 (hereinafter as the “Act”).

5. Learned counsel for the appellants contended that the claimant was a *bona fide* passenger, and that his injuries were caused due to an accidental fall from a train, constituting an “untoward accident” within the meaning of Section 123(c) of the Act. It is submitted that the Tribunal failed to appreciate the surrounding circumstances and the settled legal position governing railway accident claims, the claimant had purchased a valid ticket and had lost the same along with his belongings due to the accident. It is contended that the Tribunal misappreciated the evidence on record,



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particularly with respect to the time and manner of occurrence of the incident.

6. *Per contra*, learned counsel for the respondent opposed the claim contending that no valid journey ticket was recovered from the claimant, that he had boarded an empty rake during shunting operations, and that the injuries were the result of his own negligence.

7. I have heard the learned counsel for the parties and perused through the record.

8. In the backdrop of the above facts, the Tribunal framed issues for adjudication, namely, whether the claimant was a bona fide passenger at the relevant time, and whether the alleged incident amounts to an “untoward incident” as defined under the Act.

9. The claimant, appearing as AW-1, deposed by way of affidavit, that he was travelling from *Gondia* to *Delhi* and had mistakenly boarded the wrong train. He stated that he fell when the train suddenly jerked while he was attempting to alight

10. The respondent, in its written statement filed during proceedings before the Tribunal, admitted that the claimant sustained injuries at *Gondia* Railway Station and was found in an injured condition at Platform No. 2 on 17.11.2018, whereafter he was taken by ambulance to the hospital for treatment. Thus, the occurrence of the accident within railway premises and the factum of grievous injuries suffered by the claimant stand admitted.

11. It is noted in the DRM report that, during the investigation of the



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claim, it was alleged that the claimant went to Platform No. 02 instead of Platform No. 03 to board a train for *Nagpur* and mistakenly boarded Train No. 58117 *Jharsuguda-Gondia* at Platform No. 02. According to the said report, when the train was being moved towards the yard, the claimant sustained injuries while attempting to alight from the moving train due to his own negligence, resulting in the amputation of both his legs.

12. The injuries sustained by the claimant stand duly verified through the MLC and Referral card, which unequivocally records that the claimant has suffered a traumatic bilateral below-knee amputation.

13. The initial burden of proving that the claimant was a bona fide passenger stood discharged, and the onus shifted upon the respondent Railways to rebut the same by cogent evidence, which they failed to do (Ref: *Union of India v. Rina Devi*¹).

14. In *Munnibai v. Union of India*², it was held that a passenger cannot be treated as unauthorized merely because he mistakenly boarded a wrong train. The Court observed as under:-

“9. In the present case, the victim Vikki had admittedly purchased a train ticket for travel from Nagpur to Tumsar Road. It is in evidence that he had boarded a wrong train. He cannot be branded as an unauthorized passenger merely because he had mistakenly boarded a wrong train. The death of the said passenger was due to the injuries sustained in accidental fall from a running train. Accordingly, the death was an “untoward incident” and was not covered by proviso to section 124-A of the Railways Act. The Tribunal was, therefore, not

¹ (2019) 3 SCC 572

² 2021 SCC OnLine Bom 88



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justified in rejecting the claim solely on the ground that the victim had boarded a wrong train.”

15. Similarly, the Supreme Court in Shrikumar Gupta & Anr v. Union of India³, held that merely boarding a wrong train does not negate the status of a bona fide passenger. The relevant observations are reproduced hereunder:-

“9. ... Merely because the deceased had boarded a wrong train, it cannot be construed that he was not a bona fide passenger so as to absolve the railway authorities from contending that deceased not being a bona fide passenger.”

16. These facts, taken cumulatively, establish that the accident occurred in the course of railway operations and sufficiently discharge the initial burden of proof cast upon the claimant. The Tribunal erred in holding that the claimant was not a bona fide passenger solely on the ground that the ticket was not recovered and that he had boarded the wrong train.

17. The Tribunal erred in treating the incident as falling outside the scope of an “untoward incident” and in denying compensation on speculative assumptions, despite the absence of any material to show that the injuries were intentional or covered by any of the statutory exceptions under Section 124-A of the Railways Act. By any stretch of reasoning, be equated with intentional self-harm or negligence so as to fall within the exceptions carved out under Section 124A of the Railways Act.

³ SLP(C) No. 7188/2024



18. It is trite law that the provisions pertaining to compensation under the Railways Act, 1989 constitute beneficial legislation and must, therefore, receive a liberal, purposive, and pragmatic interpretation rather than a narrow or hyper-technical one. Where an accident does not fall within any of the exceptions enumerated in clauses (a) to (e) of the proviso to Section 124-A, the claim is governed by the main body of Section 124-A. The liability under Section 124-A is one of strict or no-fault liability, and once the occurrence of an “untoward incident” within the meaning of the Act is established, the question as to who was at fault becomes wholly irrelevant (Ref: Union of India v. Prabhakaran Vijaya Kumar⁴). The respondent has failed to discharge the burden of establishing the applicability of any exception under Section 124-A of the Act. The Tribunal, therefore, erred in denying compensation by adopting a technical and speculative approach, contrary to the settled position of law governing claims arising out of untoward railway incidents.

19. This Court is therefore of the considered view that the injuries suffered by him resulted from an untoward incident within the meaning of Section 123(c)(2) of the Act.

20. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal. The Tribunal is requested to assess the compensation amount and direct the authorities to disburse the same

⁴ (2008) 9 SCC 527



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within a period of 2 months. For this purpose, the matter be listed before the Tribunal at the first instance on 19.03.2026.

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

22. A copy of this judgment be communicated to the concerned Tribunal.

MANOJ KUMAR OHRI, J

MARCH 10, 2026/dh

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