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

% Reserved on : 23.09.2026
Pronounced on : 27.10.2026
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\+ **FAO 191/2016**

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

versus

UOI .....Respondent
Through: Mr. Raj Kumar, CGSC with Ms. Vidushi, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 05.02.2016 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/70/2015.

2. Briefly stated, the case of the appellants before the Tribunal was that, on 17.02.2015, one *Girraj Prasad* (hereinafter referred to as the "deceased") along with his wifeand minor son, was travelling from *Hazrat Nizamuddin* Railway Station to *Gangapur* City Railway Station by Train No. 12904, (Golden Temple Express, also known as Frontier Mail). It was stated that, owing to heavy rush in the general compartment, when the train was between *Tughlakabad* and *Faridabad* Railway Stations, the deceased, who

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was feeling unwell and wanted to vomit, moved towards the gate of the compartment. While he was vomiting, the train took a sudden jerk, as a result of which he fell from the running train. The deceased's wife raised an alarm and, after the train stopped some distance ahead, got down with her minor son and reached the spot, where she found the deceased dead.

3. *Vide* the impugned judgment, the Tribunal accepted that the deceased was a *bona fide* passenger, however, while considering whether the death resulted from an "untoward incident", the Tribunal relied upon the entries in the Inquest Report, the Station Master's Memo, the Form-I Report of Untoward Incidentand the Station Diary. It was held that the deceased had either acted negligently by vomiting while standing at the gate despite the availability of washbasins and toilets, or had jumped from the train due to his mental state.

4. Learned counsel for the appellants contends that the Tribunal failed to appreciate that the DRM report itself records that the deceased had felt unwell, gone towards the gate to vomit and fallen from the moving train. It is submitted that the conclusion in the report regarding negligence cannot be treated as proof of a deliberate act of self-injury and in this regard, relies on the decision of the Supreme Court in "*Union of India v. Rina Devi*"[1]. Learned counsel further contends that the entry attributing a statement regarding a deliberate jump is not supported by any eyewitness account. It is also submitted that the Tribunal could not have inferred that the deceased had jumped from the train on account of his mental state in the absence of supporting evidence.

5. *Per contra*, learned counsel for the respondent has relied upon the

[1](2019) 3 SCC 572

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DRM report and the contemporaneous railway records to submit that the deceased was himself responsible for the incident. It is contended that the deceased chose to stand near the gate to vomit despite the availability of washbasins and toilets in the compartment. It is submitted that the Tribunal rightly declined to award compensation in view of the statutory exceptions under Section 124-A of the Railways Act, 1989 (hereinafter referred to as the "Act").

6. Having heard both the parties and going through the material placed on record, the deceased's status as a *bona fide* passenger is not in dispute. The only question which, therefore, arises for consideration is whether the material on record supports the Tribunal's conclusion that the death was not the result of an accidental fall from a moving train, but was attributable to conduct falling within the exceptions under Section 124-A of the Act

7. Pertinently, the DRM reportrecords that the deceased was travelling in Train No. 12904 after purchasing a general ticket. It further records that, while the train was passing through the *Tughlakabad* section, the deceased suddenly started feeling unwell, came to the gate of the moving train to vomit and fell down during that process. The report thereafter attributes the incident to the deceased's carelessness and negligence, observing that he would not have met with the accident had he used the washbasin or toilet provided in the compartment.The conclusion that the deceased could have avoided the incident by using the facilities available in the compartment is an assessment of his conduct and it is not a finding, based on any eyewitness account, that he deliberately jumped from the train.

8. The Tribunal has also placed considerable reliance upon the entry in the Form-I of the Report of Untoward Incident, which records that,

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according to the wife of the deceased, he had jumped from Train No. 12904 due to his mental state. The information was recorded as having been conveyed by the gate man, Shri *Ramshakal Yadav*, who had reported the presence of a dead body between the up and down tracks. The entry does not record that the gate man had witnessed the deceased jumping from the train and was only based on hearsay evidence. There was no witness examined on behalf of the respondent to establish the circumstances in which the alleged statement was made or to prove that the deceased had, in fact, jumped.The aforesaid entry cannot be ignored merely because its source has not been examined, however, it could not have been treated as conclusive proof of a deliberate jump without examining it alongside the other material.

9. It is true that the subsequent, undated statement of the appellant contains an explanation that the toilets were locked from inside as someone was using them. The Tribunal treated this as an improvement and further observed that the washbasins were available outside the toilets and could have been used even if the toilet doors were locked. However, even if the subsequent explanation regarding the toilets is not accepted, the omission still does not establish that the deceased deliberately jumped from the train. The Tribunal has treated the absence of an explanation as to why the deceased did not use the washbasin as a circumstance sufficient to infer criminal negligence or intentional self-injury and such an inference does not follow from the omission alone.

10. The legal position regarding the distinction between negligence and self-inflicted injury stands settled by the Supreme Court in "*Jameela v.*

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Union of India"[2] and "*Rina Devi*" (*supra*). The liability under Section 124-A is founded on the principle of no-fault liability, subject to the exceptions expressly provided in the statute. Mere negligence on the part of a passenger does not, by itself, amount to self-inflicted injury. The exception contemplates an intentional act, and cannot be invoked merely because the passenger could have taken greater care to avoid the incident.

11. Applying the aforesaid principle to the present case, even if the deceased acted imprudently in standing near the gate while vomiting, such conduct cannot automatically be equated with an intentional act of self-injury or a criminal act. However, the fact that another course of action was available to him does not establish that his fall was deliberate. The statutory exception cannot be invoked merely on the ground that the deceased failed to take the precaution which, in hindsight, may have prevented the accident.

12. On a cumulative assessment of the material on record, thus, the recovery of the journey ticket, the contemporaneous railway records, the account contained in the DRM report and the absence of direct evidence of a deliberate jump support the appellants' case that the deceased suffered an accidental fall from a moving train. The discrepancy regarding the statement attributed to the wife of the deceased and the omission concerning the locked toilets have been considered above. Neither circumstance, in the absence of further supporting evidence, establishes that the deceased intentionally caused his own injury or committed a criminal act.

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

[2](2010) 12 SCC 443

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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 on 01.12.2026.

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

OCTOBER 27, 2026
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