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

+ **FAO 541/2011 & CM APPL. 22683/2011**

UNION OF INDIA

.....Appellant

Through: Mr. Raj Kumar, CGSC

versus

ATTAR SINGH & ORS

.....Respondents

Through: Mr. Kumar Amit, Advocate (through
VC), Mr. Yogesh Swaroop and Ms.
Shivangi Singh

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.02.2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the judgment dated 16.08.2011 passed by the Railway Claims Tribunal (Principal Bench), Delhi, in Case No. OA (Ilu) No. 251/08 titled as "Shri Attar Singh & Ors. v. Union of India".
2. Vide the aforesaid judgment, the Tribunal allowed the claim application and awarded Rs.4,00,000/- alongwith an interest @ 6% per annum from the date of the filing of the claim application till the date of order and thereafter, @ 9% per annum till the date of realisation of amount. The Tribunal further held that the deceased was a bona fide passenger and that the incident was an "untoward incident" as defined under the Railways Act, 1989 (hereinafter as the "Act").
3. Briefly stated, the facts of the case as stated in the claim petition are that on 09.10.2007, one *Joseph @ Kallu* (hereinafter referred to as "deceased") boarded the *Shamli Passenger Train* from *Shahdara* for going to *Baghpat* after purchasing a valid ticket. It was claimed that as the train reached near the *phatak* of *Sunehra* Railway Station, a sudden jerk occurred,



as a result of which the deceased, who was standing at the gate of the train compartment, accidentally fell down and sustained grievous injuries. Thereafter, the deceased was admitted to Trauma Centre, LNJP Hospital, New Delhi, where he was treated from 10.10.2007 to 07.12.2007. As claimed, he developed bed sores during the said period and was thus referred to Government Hospital, Ghaziabad, where he expired on 13.01.2008.

4. The learned counsel for the appellant has assailed the impugned judgment by contending that the deceased was neither a bona fide passenger nor was the alleged incident an “untoward incident” under Section 123(c), of the Act. It is submitted that the ticket of the deceased was not recovered and, Further it is submitted that the identity of the deceased has not been satisfactorily established. Reliance in this regard is placed on DD No. 4A dated 10.10.2007 one wherein the name of the injured is recorded as “Manoj” and not *Joseph @ Kallu*, as claimed. It has also been submitted that the testimony of AW-2, *Satish*, is unreliable as he failed to disclose the name of the deceased who he claims to have taken to LNJP Hospital, or satisfactorily explain his presence at the site of the alleged incident. Additionally, it is contended that the alleged incident instead occurred on account of self-inflicted injuries, therefore, fall within the statutory exceptions, absolving the appellant of liability.

5. *Per contra*, the learned counsel for the respondent supported the impugned judgment, and reiterated that the deceased was a bona fide passenger and the alleged incident had occurred on account of an accidental fall from the train, thereby amounting to an “untoward incident” as defined under the Act.



6. This Court has heard both the parties and perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a bona fide passenger and whether the alleged accident qualifies as an “untoward incident” within the meaning of Section 123(c) of the Act.

8. The Tribunal held that the deceased was a bona fide passenger, a finding which is assailed by the appellant. In this regard, it is noted that it is a conceded position that the railway ticket of the deceased was misplaced along with the luggage of the deceased, and could thus not be recovered. However, to discharge their burden of proving the bona fide status of the deceased, the respondent examined AW-1, *Attar Singh*, the father of the deceased, and AW-2, *Satish*, who was an alleged eye-witness, before the Tribunal. AW-1, in his evidence, reiterated the factual narrative leading to the alleged incident, while AW-2, in his testimony, supported AW-1's testimony and stated that he was a co-passenger in the train in which the deceased was travelling. The appellant, on the other hand, failed to adduce any material to dislodge the said evidence.

9. The appellant also disputes that the incident constituted an “untoward incident”, contending that the identity of the deceased remains doubtful, that AW-2 could not have been an eye-witness to the occurrence, and that the injuries were self-inflicted.

10. The primary challenge to the identity of the deceased stems from DD No. 4A dated 10.10.2007, wherein the name of the injured is recorded as “Manoj” of *Begamabad, Modi Nagar*. However, the admit-cum-discharge slip issued by Lok Nayak Hospital for the period 10.10.2007 to 07.12.2007



records the name as “Joseph” of *Begamabad, Modi Nagar, Ghaziabad*, which corresponds with the particulars furnished in the claim application. The Tribunal took note of this discrepancy and observed that AW-2, who had taken the injured to the hospital, had stated that he was unaware of the name of the injured at the relevant time. Significantly, no suggestion was put to the said witness in cross-examination to dispute this explanation. In these circumstances, the Tribunal cannot be said to have erred in concluding that the identity of the deceased stood established.

11. The appellant has further questioned the credibility of AW-2, *Satish*, on the ground that he was a daily passenger only up to *Khekra* Railway Station, which is ahead of the place of the alleged incident, and could thus not have witnessed the incident. It is observed that the contemporaneous documentary record and depositions of AW-1, *Attar Singh*, unequivocally establish that it was at the instance of AW-2 that the deceased was admitted to Trauma Centre, LNJP Hospital. In light of the same, the testimony of AW-2 is found to be consistent and credible on all material particulars.

12. The evidence tendered by the appellant through RW-1 and relevant documents on record, when weighed against the respondent’s cogent oral and documentary evidence, does not negate the occurrence of the alleged incident on account of the deceased’s accidental fall. Likewise, the plea of self-inflicted injuries of the appellant is also unsubstantiated by the material on record.

13. In view of the above, this Court finds no infirmity in the conclusion reached by the Tribunal that the incident constituted an “untoward incident” within the meaning of Section 123(c) read with Section 124A of the Railways Act.



14. It is well settled that the provisions relating to compensation under Section 124A of the Railways Act constitute a beneficial piece of legislation and are required to be construed in a liberal manner. The Supreme Court has consistently held that such provisions must receive a purposive interpretation so as to advance the object of providing relief to victims of railway accidents, rather than being defeated by hyper-technical objections. As held in Union of India v. Prabhakaran Vijaya Kumar¹, once the occurrence of an “untoward incident” is established and the case does not fall within the statutory exceptions, the liability of the Railways is strict.

15. In view of the foregoing discussion, the present appeal is dismissed and the impugned judgment stands affirmed.

16. The amount, if deposited by the appellant before the Registry, along with accrued interest, be released to the respondents in terms of the impugned award.

17. The appeal, alongwith the pending application(s), stands disposed of in the above terms.

MANOJ KUMAR OHRI, J

FEBRUARY 5, 2026

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¹ (2008) 9 SCC 527