



2026:DHC:7895



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

% Reserved on : 07.09.2026
Pronounced on : 15.09.2026
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CNR No. DLHC014792862017

+ **FAO 89/2018**

DEEP CHAND

.....Appellant

Through: Mr. N.K. Gupta, Advocate

versus

UNION OF INDIA

.....Respondent

Through: Mr. Krishna Kumar Sharma,
SPC with Mr. Bhaskar Bhati,
Mr. Nagender, Mr. Shashwat,
Mr. Rajesh and Mr. Ayushma
S., Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 9228/2018 (seeking condonation of delay of 103 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 103 days in filing the appeal.
2. It is stated that the appellant had suffered grievous injuries in the train accident in question, resulting in the loss of both his legs and consequent loss of his employment. The appellant has remained without any source of livelihood since the accident and is stated to be



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dependent upon financial assistance from his relatives for meeting his basic needs and the educational expenses of his children. It is in the aforesaid circumstances that the appellant has been unable to arrange the requisite funds for pursuing the present appeal.

3. At this stage, it is pertinent to note that in “*Mohsina vs. Union of India*”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, in “*Reshma vs. Union of India*”², this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.

4. Considering the peculiar facts and circumstances of the present caseas well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 103 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 21.04.2017 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in OA(IIu) 238/2016, whereby the claim application filed by the appellant seeking

¹(2017) SCC OnLine Del 10003

² (2026) SCC OnLine Del 2704



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compensation on account of injuries suffered by him came to be dismissed.

2. The brief facts necessary for the adjudication of the present appeal are that on 24.06.2013, the appellant purchased a general class railway ticket at *Wair* Railway Station for travelling to *Shahibabad* and boarded TrainNo.64151. As averred in the claim application, the compartment was heavily crowded and, after the train had started, a sudden jerk and jostling amongst the passengers caused him to fall from the moving train. He fell on the railway track and sustained grievous injuries, resulting in amputation of both his legs below the knee. He was thereafter taken to Dr.*Kailash* Hospital, *Noida*.

3. The claim, however, came to be rejected principally on two aspects. First, no railway ticket was recovered from the appellant at the time of the incident. Second, the appellant stated in cross-examination that he had reached the station at about 2:30 p.m. and had purchased the ticket thereafter, whereas the ticket produced by him was shown through CRIS records to have been issued at 07:42 a.m. on the same date.

4. Learned counsel for the appellant submits that the Tribunal approached the evidence too narrowly. It is submitted that the appellant had suffered bilateral amputation and the non-recovery of the ticket immediately after the accident could not, by itself, discredit his case. It is further submitted that the ticket was subsequently produced before the Tribunal and its issuance stood verified from the CRIS record. The contemporaneous railway record itself records that the appellant had “fallen from Train No.64151”. It is thus submitted that



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the material on record, when considered as a whole, establishes both his status as a *bona fide* passenger and the occurrence of an “untoward incident” as defined within the Railways Act, 1989 (hereinafter referred to as the “Act”).

5. Learned counsel for the respondent, on the other hand, submits that no ticket was recovered from the appellant and that the appellant’s own statement regarding the time at which he purchased the ticket is inconsistent with the CRIS record. It is also pointed out that the medical record refers to injuries sustained while crossing the railway track. According to the respondent, the appellant has therefore failed to establish that he was travelling as a *bona fide* passenger or that his injuries resulted from an accidental fall from the train.

6. The first aspect which requires consideration is the appellant’s status as a *bona fide* passenger. It is trite law that non-recovery of a ticket, by itself, is not sufficient to deny the status of a *bona fide* passenger where the surrounding circumstances support the claim (Ref: “Union of India v. Rina Devi”³). The mere fact that no ticket was recovered from him immediately after the incident cannot conclude the matter as he subsequently produced the journey ticket before the Tribunal. The ticket was not merely relied upon by the appellant without verification, the Tribunal itself called for the CRIS record, which showed that the ticket had in fact been issued at 07:42 a.m. on 24.06.2013. Thus, while there is a discrepancy in the appellant’s statement that he purchased the ticket after reaching the station at about 2:30 p.m., there is independent railway material showing that a

³(2019) 3 SCC 572



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ticket had been issued to him on the very date of the incident.

7. The explanation offered on behalf of the appellant for the discrepancy was that he was nervous while answering questions in cross-examination and had stated the time incorrectly, and the same cannot be brushed aside without considering the surrounding circumstances. The appellant had suffered injuries of such severity that both his legs were amputated and the fact that the ticket was not produced or recovered immediately after the incident, therefore, cannot be viewed in isolation. In these circumstances and in view of the beneficial nature of the concerned legislation, the discrepancy as to the time of purchase cannot, by itself, displace the other evidence showing that the appellant possessed a valid journey ticket for the date in question.

8. A similar approach was adopted by this Court in “Sh. Prempal Singh v. Union of India”⁴, where it was observed that a passenger travelling alone cannot be expected to preserve evidence as to the precise manner in which the journey was undertaken and that such an expectation is itself unreasonable. The Court observed:

“...it cannot be expected for a passenger in a railway journey, who is travelling alone, to keep evidence of when, where, how and in whose presence, he/she undertook the journey... the evidence in favour of the claimants is that the deceased had a valid passenger ticket... therefore, the clear inference is that the deceased was in a train...”

9. Similarly, in “Ravikant&Ors. v. Union of India”⁵, this Court held that a claim could not be rejected merely because the ticket had not

⁴2018 SCC OnLine Del 9571

⁵2026 SCC OnLine Del 5775



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been mentioned in the *panchnama* or had been produced subsequently, when its issuance was otherwise verified. The facts here stand on no weaker footing. The appellant's ticket was produced before the Tribunal and the CRIS record confirms its issuance on the date of the accident. The appellant, therefore, has established his status as a *bona fide* passenger.

10. The other question is whether the injuries suffered by the appellant arose out of an "untoward incident". The appellant's case has throughout been that he was travelling in Train No.64151 and fell from the moving train when the compartment was crowded and there was a sudden jerk and jostling. This assertion receives material support from the contemporaneous railway record. The Station Master/Dead and Injured Register records, on the very date of the occurrence and at about the relevant time, that a person had "fallen from Train No.64151 UP" and had been "injured at KM No.1389/17-19". This is not a later statement prepared for the purpose of the claim petition. It is an official railway record made in the immediate aftermath of the occurrence.

11. The reference in the MLR to the appellant having allegedly sustained injuries "somewhere near *Dhanikaur*", and the subsequent reference in the discharge summary to poly-trauma "while crossing the railway track", do not furnish sufficient basis to discard the contemporaneous railway record, as none of these records were documented on the basis of an eye-witness account. The medical documents record the history as given at the time of treatment, they do not, in the circumstances of the present case, explain away the specific



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entry made by the Station Master recording a fall from Train No.64151.

12. At this stage, it is pertinent to take into account, the definition of an “untoward incident” as defined by Section 123 of the Act, which reads as under:

“(c) “untoward incident” means—

(1) (i) the commission of a terrorist act within the meaning of sub-section (1) of section (3) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(ii) the making of a violent attack or the commission of robbery or dacoity; or

(iii) the indulging in rioting, shoot-out or arson, by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

(2) the accidental falling of any passenger from a train carrying passengers.”

The definition includes the “accidental falling of a passenger from a train carrying passengers” within the expression “untoward incident”. Once such an incident is established, Section 124-A fastens liability upon the Railway on the principle of no-fault liability, subject to the statutory exceptions.

13. In the present case, the respondent has relied upon the assertion that the appellant was standing near the gate and fell from the running train due to his own negligence. Even assuming that the appellant had been standing near the gate, that circumstance by itself would not take the occurrence outside Section 124-A. In Rina Devi (supra), the Supreme Court has made it clear that negligence or contributory negligence of the passenger does not, by itself, amount to a “self-inflicted injury” within the meaning of the statutory exception. The



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expression “self-inflicted injury” contemplates an intentional act and cannot be equated with every instance of carelessness or negligence.

14. The material placed before the Tribunal does not establish that the appellant intentionally exposed himself to the risk with the object of causing the injury to himself. On the contrary, the evidence shows that he suffered catastrophic injuries in an occurrence which the contemporaneous railway record describes as a “fall from Train No.64151”. The mere allegation that he was standing near the gate, therefore, cannot absolve the respondent of its statutory liability.

15. On a consideration of the record as a whole, this Court is satisfied that the appellant was travelling as a *bona fide* passenger and that he sustained injuries on account of an accidental fall from Train No.64151 on 24.06.2013. The injuries suffered by him are undoubtedly serious and fall within the category for which statutory compensation is payable. The absence of the ticket at the time of the incident, followed by its subsequent production and verification, and the discrepancies in the medical history, could not have been treated as sufficient to reject an otherwise corroborated claim.

16. Accordingly, 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 appellants 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 on 07.10.2026.

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



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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 15, 2026
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Signature Not Verified

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