



2026:DHC:8868



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

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CNR No. DLHC010567692022

+ **FAO 2/2023**

GITANJALI RINGOLA @ GITANJALI VIRENDRA PRASAD
RINGOLA & ORS.Appellants

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

versus

UNION OF INDIARespondent

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Shailendra Kumar and
Ms. Upanita S., Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. By way of the present appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987, the appellant seeks to assail the judgment dated 28.07.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in OA(IIu)/DLI/447/2020 whereby the claim application preferred by the appellant seeking compensation on account of the death of her husband, *Virendra Prasad Ringola* (hereinafter referred to as the



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“deceased”) came to be dismissed.

2. The facts in a nutshell are that on 09.06.2019, the deceased was travelling from *Mehsana* Junction to New *Delhi* by Train No.12957(*Ahmedabad-New Delhi Swarn Jayanti Rajdhani Express*) on the strength of a valid journey ticket bearing PNR No.8619762953. During the course of the said journey, while the train reached near *Rewari* Railway Station, the deceased fell from the train and sustained injuries. He was taken to Government Hospital, *Rewari* and thereafter shifted to *Pushpanjali* Hospital, where he died during treatment.

3. The Tribunal, while deciding the question as to whether the occurrence constituted an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”), returned a finding against the appellants. The Tribunal noticed that the train had no scheduled stoppage at *Rewari* and that the deceased was working at Milk Dairy, *Dharuheda*. Relying principally upon the statements contained in the DRM report, the Tribunal inferred that the deceased had attempted to get down from the moving train at *Rewari*.

4. Before this Court, Mr. *Sood*, learned counsel for the appellants submits that the finding returned by the Tribunal is not borne out from the evidence. It is submitted that there is admittedly no eyewitness to the occurrence and that none of the RPF officials whose statements have been relied upon by the Tribunal had witnessed the deceased falling from the train. It is further submitted that the respondent did not lead any oral evidence before the Tribunal. The statements recorded during the DRM inquiry, therefore, could not have been treated as establishing that the deceased had consciously attempted to alight from



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the moving train.

5. On the contrary, learned counsel for the respondent contended that the train was an Express Train and had no scheduled stoppage at *Rewari*. It is further submitted that the evidence collected and placed during the DRM inquiry supports the conclusion that the deceased had attempted to alight from the moving train and, consequently, the case would fall within the exception of self-inflicted injury under Section 124-A of the Act.

6. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the deceased was a *bona fide* passenger. The said finding has not been challenged by the respondent in the present appeal and has, therefore, attained finality. The controversy in the present appeal is consequently confined to the question whether the fall of the deceased from the train was an “untoward incident” within the meaning of Section 123(c)(2) of the Act.

7. Notably, Section 123(c)(2) of the Act specifically includes the accidental falling of a passenger from a train carrying passengers within the expression “untoward incident”. The liability under Section 124-A is subject to the exceptions contained in its proviso. In “Union of India v. Prabhakaran Vijaya Kumar”¹, the Supreme Court has emphasised the beneficial nature of the provision. In “Union of India v. Rina Devi”², the Supreme Court has also explained that an injury can be treated as self-inflicted only where the circumstances establish

¹(2008) 9 SCC 527

²(2019) 3 SCC 572



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an intention on the part of the passenger to inflict such injury upon himself; mere negligence cannot be equated with such intention.

8. In the present case, the Tribunal itself has recorded that “there is no eye witness of this incident”. The absence of an eyewitness is not, by itself, fatal to a claim of this nature, however, where the Railway seeks to bring the case within the exception of self-inflicted injury, the material relied upon must establish a particular kind of act attributed to the deceased. The question that needs to be examined, therefore, is whether the material relied upon by the Tribunal establishes that the deceased had in fact attempted to get down from the moving train.

9. A perusal of the DRM report shows that one *Ravindra Kumar*, RPF Constable, had reached the spot after the occurrence. In his statement, he stated that the deceased tried to get down from a slow moving train. He personally did not witness the occurrence and his statement, therefore, cannot be treated as an account of the deceased actually falling from the train or attempting to get down from it. Similarly, the statement of *Karmveer Singh*, ASI/RPF, also does not provide an eyewitness account of the deceased making such an attempt. More importantly, insofar as the statement of *Dhanpal Meena*, Head Constable, is concerned, the information regarding the deceased having jumped from the train was attributed to another person and that person has neither been identified nor examined.

10. Thus, none of the statements relied upon by the Tribunal establishes that any particular person had actually seen the deceased attempting to alight from the train. The distinction is material. The fact that an RPF official subsequently reached the spot and recorded what



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he was told cannot convert that information into direct evidence of the manner in which the deceased fell. This aspect assumes further significance because the respondent/Railways did not lead any oral evidence before the Tribunal and the order sheet dated 24.05.2022 records that after the appellants closed their evidence, the respondent opted not to lead any evidence and its evidence was closed. Consequently, there is no testimony of the Guard, Loco Pilot or any other railway official who had seen the deceased at the relevant time or could state that he had attempted to alight from the moving train.

11. The Tribunal also appears to have drawn an inference from the fact that the deceased was travelling in an enclosed AC coach and questioned why he would come to the door of the coach when the train was not scheduled to stop at *Rewari*. This, however, remains an inference as the record does not disclose what the deceased was doing immediately before the occurrence or where exactly he was standing when he fell. The contemporaneous material also does not establish a deliberate act on the part of the deceased. The MLC records that the injured was brought to the hospital by one *Ashok Rao*, stated to be his friend. The GRP proceedings also record the death as having occurred on account of the fall from the train.

12. It is also apposite to note that in “*Ramesh Suneja v. Union of India*”³, the Tribunal had similarly proceeded on the basis that the train had no scheduled stoppage at the station in question and had inferred an attempt to deboard from the surrounding circumstances. This Court, however, found that the Guard, who had been examined as a witness,

³2025 SCC OnLine Del 2539



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had not stated that he had actually seen the appellant attempting to get down from the moving train. His version in that regard was found to be based on assumptions.

13. Here, there is no evidence from any member of the Railway Staff. Indisputably, *Ravindra Kumar*, an RPF Constable, had reached the spot after the occurrence and, therefore, could not have witnessed the deceased attempting to get down from the train. Likewise, the statement of *Dhanpal Meena*, insofar as it refers to the deceased having jumped from the train, is based on information allegedly received from another person, whose identity has remained unknown and no independent statement of that person was ever recorded. Thus, while the record establishes that the deceased fell from the train, it does not establish that he had attempted to alight from the moving train. The fact that he was working at *Dharuheda* may indicate a possible reason for reaching that area, but cannot, in the absence of any evidence regarding the actual occurrence, establish the act attributed to him.

14. The exception of self-inflicted injury under the proviso to Section 124-A of the Act, therefore, could not have been invoked on the basis of such inference. The occurrence is consequently required to be treated as an “untoward incident” within the meaning of Section 123(c)(2) of the Act.

15. 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



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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 30.11.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 07, 2026

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