



2026:DHC:8564



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

% Reserved on : 15.09.2026
Pronounced on : 30.09.2026
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CNR No. DLHC010133462022

+ **FAO 86/2022**

SMT REETA & ORS

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Subhash Tanwar, SPC with Mr.
Mohit Kumar, Mr. Mayank Sehwari,
Mr. Vivek Kumar and Mr. Keshav,
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 15.12.2021 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/179/2020.
2. The case set up by the appellants before the Tribunal was that *Vikas Kumar* (hereinafter referred to as the "deceased"), aged about 32 years, was a regular commuter between *Modi Nagar* and *New Delhi* and was holding a valid Monthly Season Ticket (MST) for the relevant period. On 19.10.2019, he, along with his friend, was travelling from *New Delhi* towards *Modi*



Nagarin Train No.14681. It was averred that, owing to heavy rush in the train, the deceased was standing near the gate and, when the train reached the vicinity of *Shivaji* Bridge, he accidentally fell from the train and sustained fatal injuries. He was thereafter taken to RML Hospital, where he was declared brought dead.

3. The Tribunal framed issues concerning the deceased's status as a *bona fide* passenger and the occurrence constituting an "untoward incident" within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the "Act"). Upon consideration, the Tribunal came to the conclusion that the deceased had attempted to board the moving train and that the occurrence, in the manner established on record, could not be treated as an "untoward incident". The claim was consequently dismissed.

4. Learned counsel for the appellants, while assailing the impugned judgment, submits that the Tribunal failed to appreciate that the deceased was admittedly a *bona fide* passenger and was holding a valid MST. It is contended that the evidence on record establishes that the deceased fell while attempting to board the train and that such a fall is covered by Section 123(c)(2) of the Act. Reliance has been placed on the judgment of the Supreme Court in "Union of India v. Prabhakaran Vijaya Kumar"¹.

5. Learned counsel for the respondent, on the other hand, contends that the evidence of the railway official who witnessed the occurrence leaves no doubt as to the manner in which the deceased fell. The deceased was not travelling in the train when the incident occurred, rather, he attempted to board a moving train at a station where the train had no scheduled stoppage. It is, therefore, submitted that the occurrence cannot be brought

¹(2008) 9 SCC 527



within the expression “untoward incident” merely because the deceased was otherwise a *bona fide* passenger.

6. In view of the peculiar facts of the present case and for the sake of convenience, both the issues are being taken up together.

7. At the outset, there is no controversy regarding the deceased’s status as a *bona fide* passenger. The DRM Report acknowledges the genuineness of the MST produced on record. However, the fact that the deceased was a *bona fide* passenger, cannot be itself determinative of the second issue. The more substantial question which requires consideration is whether the particular occurrence proved on record answers the description of an “untoward incident” under Section 123(c)(2) of the Act.

8. Though there is no dispute with the proposition that an accidental fall occurring in the course of boarding a passenger train may constitute an untoward incident. The said proposition, however, has to be applied to the facts established in each case.

In the present case, the evidence as to the manner of occurrence assumes significance. CW-1/*Rakesh Kumar* was posted at *Shivaji Bridge* and claimed to have witnessed the incident himself. He gave a specific account of the deceased and his companion approaching the platform and attempting to board Train No.14681 while it was passing through the station. According to him, one of them succeeded in boarding the train, whereas the deceased lost his balance and fell between the train and the platform.

9. More importantly, the material concerning the scheduled movement of Train No.14681 shows that it was a run-through train at *Shivaji Bridge* and was not scheduled to halt there. The deceased was, therefore, not attempting to board a train which had arrived at the station for passengers to



board. The attempt was made while the train was passing through a station where it was not scheduled to take a halt.

10. The significance of this circumstance has recently been considered by this Court in “Gyan Prakash @ Bhushan & Anr. v. Union of India”², wherein after noticing that the deceased therein was a *bona fide* passenger, this Court held that such status, by itself, would not render every consequence of his conduct an “untoward incident”. The Court further held that where the deceased consciously attempted to board a moving run-through train which was not scheduled to stop at the station, the resulting fall could not be treated as an accidental fall from a train during the course of a normal journey so as to attract Section 123(c)(2) of the Act.

11. The factual circumstance which weighed with the Court in “Gyan Prakash” (supra) is present here as well. The fact that the deceased was a *bona fide* passenger cannot, by itself, convert the manner in which the incident occurred into an “untoward incident” within Section 123(c)(2). The distinction is not between a passenger who is holding a valid ticket and one who is not, rather, it is between an accidental fall occurring during the course of a normal railway journey and an occurrence resulting from an attempt to board a train which was passing through a station without a scheduled halt.

12. The Tribunal, therefore, cannot be said to have proceeded merely on the ground that the deceased had acted negligently or that his conduct was sufficient to attract one of the statutory exclusions under Section 124-A. Its finding rests on the more fundamental conclusion that, on the evidence led before it, the occurrence itself did not fall within the statutory description.

²(2026) SCC OnLine Del 7191



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13. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

14. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 30, 2026

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