



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

% Reserved on : 11.03.2026
Pronounced on : 25.03.2026
Uploaded on : 25.03.2026

+ **FAO 273/2018**

TULSI DASAppellant
Through: Mr. R.K. Nain and Mr. Chandan
Prajapati, Advocates

versus

UNION OF INDIARespondent
Through: Mr. Himanshu Pathak, SPC for UOI
with Mr. Mohit Gupta Sharma,
Advocate

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 impugned judgment dated 03.01.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application No. OA II(u) No. 93/2017, whereby the claim application filed by the appellant seeking injury compensation was dismissed.

2. The case of the appellant before the Tribunal was that he had boarded Train No. 12920 (*Malwa Express*) from *Sonipat* Railway Station on 25.03.2015 for travelling to *Jhansi*, on the strength of a valid second-class journey ticket. It was his case that, due to heavy rush in the train, he



accidentally fell between *Sonipat* and *New Delhi* Railway Stations, resulting in grievous injuries leading to amputation of both hands below the elbow.

3. Learned counsel for the appellant assailed the impugned judgment contending that the Tribunal erred in rejecting the claim application by holding that the appellant was not a *bona fide* passenger and that the injuries were not the result of an untoward incident. It was submitted that the appellant deposed that he had purchased a valid journey ticket, which was lost at the time of the said incident. Reliance was placed upon the decision of the Supreme Court in *Union of India v. Rina Devi*,¹ to contend that mere non-recovery of a ticket cannot be determinative of being a *bona fide* passenger.

4. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal rightly rejected the appellant's claim in view of the inconsistencies in his statements. It was submitted that there was an unexplained time gap between the alleged time of fall and the receipt of information by the police, which renders the appellant's version wholly improbable. It was also contended that no journey ticket was recovered during *jamatalashi*, and the explanation regarding its loss is unconvincing, particularly when other belongings were recovered intact. In these circumstances, it was submitted that the appellant failed to discharge the initial burden of proving *bona fide* travel and the occurrence of an untoward incident.

5. This Court has heard the arguments addressed on behalf of both the parties and has perused the material on record.

¹ (2019) 3 SCC 572



6. In the backdrop of the above facts, the two issues that arise for consideration before this Court are that, whether the appellant was a *bona fide* passenger and whether the injuries were sustained in an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

7. Coming to the issue as to whether the incident can be described as an “untoward incident”, pertinently, the Tribunal noted inconsistencies in the appellant’s testimony with regard to the place of occurrence of the incident. While the appellant claimed that he fell near *Sadar Bazar*, the MLC prepared at *Lok Nayak Hospital* records the place of incident as Platform No. 10 of the Old *Delhi* Railway Station. Admittedly, the said train does not pass through the Old *Delhi* Station and instead runs *via* New *Delhi* Railway Station. Therefore, the inconsistency between the alleged place of occurrence of the incident, and as recorded in the medical record, goes to the root of the matter and casts serious doubt on the appellant’s version of *bona fide* travel.

8. Further, as per DD No. 3-A dated 26.03.2015, recorded at the Old *Delhi* Railway Station, the information regarding the incident was received at about 1:30 am, whereas the appellant’s case is that the incident occurred in the evening hours at about 18:30 hours, when the train would have crossed the *Sadar Bazar* section. This reflects a gap of nearly 7 hours between the alleged time of the incident and the receipt of information by the police, and thereafter admitting him to the hospital, making it difficult to accept that a person sustaining such serious injuries would have remained unattended for such a prolonged period and survived. The said unexplained delay, particularly in a case involving grievous injuries of such a nature



which resulted in double amputation of both the hands, is a significant circumstance which cannot be overlooked.

9. In the present case, as noted above, the foundational facts relating to the manner of occurrence remain unsubstantiated, and the claim cannot be brought within the fold of an “untoward incident”. The Tribunal has, therefore, rightly concluded that the alleged occurrence does not fall within the definition of an “untoward incident” under the Act.

10. 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. Accordingly, the present appeal is dismissed.

MANOJ KUMAR OHRI
(JUDGE)

MARCH 25, 2026

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