



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

Date of Decision:15.05.2026

+ **FAO 496/2017**

RUDAL @ RUDAL GUPTAAppellant

Through: Mr. Ritik Singh, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Jivesh Kumar Tiwari, CGSC with
Ms. Nandini Aggarwal, Advocate
(through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 30.06.2017, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application no. OA (Ilu) 173/2016, whereby the claim application filed by the appellant seeking injury compensation came to be dismissed.

2. The brief facts of the case, as set out in the claim application, are that on 08.05.2016, the appellant undertook a train journey initially from *Mokhanwa* to *Lucknow* on 07.05.2016, whereafter, the second journey was undertaken from *Lucknow* to *Delhi*. It was further stated that the appellant had to proceed to *Badli*, and for the said purpose, he undertook his 3rd journey from *Delhi* to *Badli* through an EMU train, which he boarded from *Delhi* Railway Station at about 1:30 am. It was claimed that when the train



reached near *Azadpur* Station, the appellant suffered an accidental fall on account of a sudden jerk and he was thereafter removed to *Sushruta* Trauma Centre, where, on account of the injuries suffered, his right arm and right leg were amputated. The appellant further stated that owing to the said accident, his journey ticket was lost.

3. The respondent contested the claim and contended that the version of the appellant regarding his travel by the *Sealdah* Express is incorrect, since as per the TSR (Train Signal Record), the said train is only a biweekly train and comes to *Delhi* only on Tuesdays and Saturdays, whereas the alleged accident has taken place on a Sunday. Learned counsel appearing for the respondent, therefore, seeks dismissal of the appeal by contending that the version of the injured was found improbable and tribunal rightly dismissed the claim application.

4. Before this Court, learned counsel for the appellant reiterated the submissions and further referred to the documents including DD no. 4P, recorded on 08.05.2016 at about 2.30 AM. Further, reliance is placed on the statement of the injured recorded on the date of the accident by the GRP, as well as the MLC of the appellant, prepared at the *Lok Nayak* Hospital, which records that the injured was brought by the PCR with the alleged history of a railway traffic accident.

5. The Tribunal disbelieved the appellant's claim of being a *bona fide* passenger and did not proceed to examine the issue as to whether the accident constituted an "untoward incident" within the meaning of Section 123 (c) read with Section 124-A of the Railways Act, 1989 (hereinafter referred to as the "Act").

6. This court has heard the learned counsels for the parties and has gone



through the claim application, the documents as well as the evidence of the appellant placed on record.

7. In the considered opinion of this Court, the Tribunal misdirected itself by referring and focusing upon the discrepancies in the version of the appellant relating to the previous two completed journeys undertaken by him. For the purpose of adjudicating the claim for injury compensation, the Tribunal ought to have confined its consideration to the 3rd journey undertaken by the appellant, during which the accidental fall is stated to have occurred.

8. Insofar as the subject journey from *Delhi* to *Badli* is concerned, the appellant consistently claimed that his journey ticket was lost in the accident suffered by him. In his affidavit by way of evidence, he categorically deposed that he had undertaken the journey after purchasing a valid journey ticket. The contemporaneous documents, namely the DD entry bearing no. 4PP and the MLC, clearly establish that the appellant had suffered grievous injuries resulting in amputation of his right arm and right leg.

9. It is trite law mere loss of journey ticket does not result in an automatic dismissal of the claim application. The Supreme Court in *Union of India v. Rina Devi*¹, as well as this Court, in catena of decisions, has held that once the claimant is able to discharge the initial burden regarding *bona fide* travel, the burden shifts upon the Railways to rebut the same through cogent evidence. In the present case, by placing his affidavit on record stating that the journey was undertaken after purchasing a valid journey ticket, the injured has discharged this initial burden.

The record reflects that the respondent had in fact, carried out a



verification regarding UTS tickets that were issued from New *Delhi* to *Badli* on the relevant date and time, which circumstance also lends corroboration to the appellant's version regarding the journey undertaken by him.

10. It is also pertinent to note that in the present case, no DRM report was placed on record and thus the version of appellant has remained un-rebutted. Apart from raising doubts with regard to the previous journeys allegedly undertaken by the appellant, no substantive material has been brought on record by the respondent to disprove the appellant's claim of *bona fide* travel or the occurrence of the accident in question.

11. The Supreme Court, by way of its decisions in *Union of India v. Prabhakaran Vijaya Kumar & Ors*² and *Jameela v. Union of India*³ has consistently held that the provisions relating to compensation under the Act are beneficial in nature and are therefore required to receive liberal interpretation.

12. This Court, on appreciating the documentary as well as oral evidence that has come on record is of the considered opinion that the appellant has been able to establish his *bona fide* travel as well as the fact that he suffered injuries in an "untoward incident".

13. Accordingly, the impugned judgment dated 30.06.2017 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 weeks from the receipt of a copy of this order.

14. For this purpose, the matter be listed before the Tribunal at the first

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527



instance on 28.05.2026.

15. The appeal is allowed and disposed of in the above terms.
16. A copy of this judgment be communicated to the learned Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

MAY 15, 2026/sn/kk

³ (2010) 12 SCC 443