



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

% Reserved on : 23.01.2026
Pronounced on : 03.02.2026
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+ **FAO 18/2026**

RAHULAppellant

Through: Mr. Rajan Sood, Advocate.

versus

UNION OF INDIARespondent

Through: Mr. Neeraj Kumar (CGSC) with Mr.
Shashwat, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred assailing the judgment dated 12.12.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter "the Tribunal") in Case No. OA/(II)U/DLI/715/2025, *vide* which the appellant's claim seeking compensation was dismissed.
2. Notably, the appellant had preferred the said claim application alleging that on 30.01.2025, he was travelling from *New Delhi* to *Basti* in the *Vaishali Express* train. It was pleaded that due to a heavy rush, he was compelled to stand near the gate of the compartment, and on account of a sudden jerk of the train and thrust given by passengers, he fell and suffered amputation of his left leg.
3. *Vide* the impugned judgment, the Tribunal returned a finding in favour of the appellant insofar as him being a *bona fide* passenger holding a valid



train ticket is concerned. However, the appellant's claim seeking compensation was rejected, concluding that his injuries were self-inflicted, occasioned by his own state of intoxication, and not due to any "untoward incident" as defined under Section 123(c)(2) of the Railways Act, 1989 (hereinafter "the Act").

4. The Tribunal primarily rested its conclusions on the hospital discharge summary and the evidence of the attending doctor, Dr. (Prof.) *Shamim Ahmed* (RW-1), to conclude that the appellant was under the influence of alcohol at the time of the incident. Relying upon the decision in *IIFCO TOKIO General Insurance Co. Ltd. Vs. Pearl Beverages Ltd.*¹, the Tribunal held that even in the absence of a blood sample, intoxication could be inferred from clinical observations. On this premise, it proceeded to deny compensation by invoking the exception carved out under Section 124A(d) of the Act.

5. Learned counsel for the appellant submits that the Tribunal erred in denying the appellant's claim as the observations regarding intoxication in the medical record and the deposition of RW-1 are mere speculations unsupported by any cogent evidence. It is contended that no blood sample was drawn to quantify the alcohol content, nor was any medical basis furnished for the attending doctor's conclusion. To substantiate this argument, reliance is placed on the decisions in *Sh. Bhola Nath & Anr. Vs. Union of India*², *Tuntun Kumar Vs. Union of India*³, and *Bachubhai Hassanali Karyani Vs. State of Maharashtra*⁴, which state that mere odour does not establish a direct nexus between consumption and the injuries sustained, and scientific

¹AIR 2021 SC 2277

²2019:DHC:5838

³2017:DHC:7866

⁴(1971) 3 SCC 930



proof is required to ascertain levels of intoxication.

6. Learned counsel for the respondent, *per contra*, placed reliance upon the medical record to contend that the appellant was under the influence of alcohol and had voluntarily put himself in a perilous position, making the injuries “self-inflicted”. It is contended that the incident was the result of *mala fide* intent to extract compensation, squarely attracting the exceptions under Section 124A of the Act.

7. I have heard the learned counsels for the parties and perused the material on record.

8. The appellant, examined as AW-1, stated in his evidence affidavit that due to heavy rush inside the compartment, he was compelled to travel while standing near the gate, when a sudden jerk of the train caused his fall. He asserted that the incident was a direct result of an “untoward incident”, denying the allegations of him being intoxicated at the time. Significantly, the DRM Report and statement of the Station Master both unequivocally state that the appellant accidentally fell while attempting to board the train, with no mention of intoxication acting as a contributory factor.

9. The record shows that the respondent failed to produce any reliable independent eyewitness or cogent medical evidence to substantiate the plea of self-inflicted injury. The reliance placed upon the mere positive assertion of the attending doctor is insufficient to substantiate intoxication. It is but natural that a person suffering from traumatic amputation, shock, and acute pain may not be in a cooperative state; the same cannot *ipso facto* be attributed to consumption of alcohol.

10. The precedents relied upon by the learned counsel for the appellant establish that a mere recording of the smell of alcohol, in the absence of



scientific evidence such as a blood alcohol test, is insufficient to deny compensation. In order to attract the exceptions under Section 124A of the Act and absolve the Railways of liability, it was incumbent upon the respondent to produce reliable medical evidence, which is conspicuously absent in the present case.

11. It is trite law that the Act is a beneficial piece of legislation and should receive a liberal interpretation. Liability under Section 124A has been held to be strict and, as stated in Union of India Vs. Prabhakaran Vijaya Kumar and Ors.⁵, contributory negligence on the part of the injured is not an acceptable defence. To deny compensation, the injury must be strictly attributable to the exceptions listed in the statutory scheme, such as suicide, criminal acts, or acts committed in a state of intoxication. These require a higher standard of proof than what has been proved by the respondent in the present case.

12. On an overall conspectus of the facts and the law as referred to above, this Court is of the considered view that the Tribunal fell into error in dismissing the appellant's claim. The findings of the Tribunal are not adequately supported by the evidence on record, and the respondent has failed to discharge its burden of proving that the injured committed an act that falls within the strict exceptions provided under the Act. Accordingly, the impugned judgment is set aside.

13. Taking note of the nature and gravity of the injuries sustained, namely, amputation above the knee of left leg 4-5 cm above superior pole of patella, and having regard to the provisions of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, the appellant is held entitled to compensation amounting to Rs.8,00,000/- along with interest @ 12% per

⁵(2008) 9 SCC 527



2026:DHC:888



annum from the date of the accident, i.e. 30.01.2025, till the date of realisation.

14. The respondent is directed to pay the aforesaid amount to the appellant within a period of 4 weeks from today.

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

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 03, 2026

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