RAILWAY CLAIMS TRIBUNAL
MUMBAI BENCH, MUMBAI

CORAM: Dr. R. Sathyabama, Hon'ble Member (Judicial)
RCT Amaravati Bench on Circuit Bench at RCT/Mumbai

Shri Mohit Sinha, Hon'ble Member (Technical),

OA II (u) 147/2025

Date of filing : 02.04.2025
Date of decision : 09.02.2026.

Mrs. Sushila Rajdhar Jadhav,
aged about 69 years,
R/o. No.109, Ambika Apartment,
Rajendraguru Nagar, Neral, Karjat,
Raigarh, Pin: 410 101.

… Applicant

Versus

Union of India represented by
The General Manager,
Central Railway, Mumbai … Respondent.

Claim for Rs.8,00,000/- (With interest)

Ld. Counsel for Applicants – Mr. Deepak T. Ajagekar
Ld. Counsel for Respondent – Ms. Bhakti Jogal

J U D G E M E N T

1. This claim application is filed by the injured applicant herself under Section 16 of RCT Act, 1987 read with Section 124-A and 125 of Indian Railways Act, 1989 seeking compensation to the tune of Rs.8,00,000/- with interest from respondent railway, for the injury occurred in an untoward incident on 14.08.2024.

2. This is a case of Injury. As per claim application, on 14.08.2024, Vinod Rajdhar Jadhav boarded Train NO.22101 Mudurai Express from Lokamanya Tilak Terminal and his mother, the injured Applicant went to Karjat Railway station and while boarding the train from platform No.1, due to heavy rush and push of the

passengers from backside, the Applicant accidentally fell down from train in to the gap between platform and train, sustained severe injuries to her leg and other parts of the body. As per claim, the Applicant was holding a reserved railway ticket vide PNR No.8421880730 dated 14.08.2024 for her journey from Lokamanya Tilak Terminal to Pune Junction Railway station, therefore, she is a bonafide passenger at the time of incident.

3. The Respondent Railway filed a detailed written statement along with the report of Divisional Railway Manager denying all the averments made in the claim application. It is further submitted by the Respondent that there is no cause of action for applicant as the claim does not fall within the ambit of Section 123 (c)(2) or 124-A of Railways Act, 1989. Respondent further submitted that as per the initial message given by Station Superintendent, Karjat Railway station to both GRP and RPF officials, after passing of Train No.17406 Express, one unknown person was found injured at Platform no.3 near foot over bridge steps at Karjat Railway station. There is no cogent evidence to establish the alleged fall of the injured from train. Mere finding of injured or the deceased near Railway premises does not construe he is a bonafide passenger and involved in an untoward incident of accidental fall from train. Neither the Train Manager of the subject train nor any Railway staff received information from any quarter regarding alleged incident. Also, there was no detention to train and no ACP attempted on any train. Under these circumstances, the case of applicant that he was involved in an untoward incident of accidental fall from train could in no manner held to have been established. The respondent further contended that as per the statement of alleged co-passenger recorded during statutory enquiry, the incident had occurred due to misadventure of applicant during

while attempting to deboard the running train. The conduct of the applicant to deboard the running train amount of criminal negligence and essentially covered under exceptions (b) and (c) of proviso to Sec.124-A of Railways Act, 1989 (the Act for short) which would disentitle the injured to claim compensation. Therefore, the applicantion is not maintainable in law and is liable to be dismissed.

4. From the pleadings, following issues were framed on 20.01.2026:

1) *Whether the injured was travelling on valid Railway ticket and was a bonafide passenger of the train, at the relevant time?*
2) *Whether the injured met with an untoward incident due to fall from the running train, suffered injuries as a result thereof and the present case is covered under section 123 (c) (2) of Railways Act, 1989?*
3) *Whether the Respondent prove the Respondent is protected under the exceptional clause (a) to (e) of Sec. 124 (A) of the Railways Act, 1989 and not liable to pay any compensation?*
4) *What is the nature and extent of injuries sustained by the injured?*
5) *To what Order/relief?*

5. In support of her claim, the injured applicant filed affidavit and examined as AW.1. To prove his case, Applicant has filed the following documents, which are marked and exhibited as under :-

1)	Photocopy of Reserved Train journey ticket	-	Ext.A.1.
2)	Memo issued by Station Master, Karjat	-	Ext.A.2.
3)	Police Report of PC-327 V. V. Kale	-	Ext.A.3.
4)	Statement of Injured Applicant	-	Ext.A.4.
5)	Medical paper – 1 Page	-	Ext.A.5.
6)	Medical paper of Shri Balaji Hospital-1 Page	-	Ext.A.6.
7)	Medical paper of Dhanvantari Hospital-1 Page	-	Ext.A.7.
8)	Medical paper of Shri Balaji Hospital-7 Pages	-	Ext.A.8.
9)	Medical paper of Nanavati Hospital-28 Page	-	Ext.A.9.
10)	Photocopy of Provisional bill of Sri Balaji Hospital - 4 pages	-	Ex.A.10.

6. Respondent Railway has not examined any witnesses from their side. As a documentary proof, Respondent filed DRM Report which is marked as Ext.R.1. It is

concluded in the Ex.R.1 report that on 14.08.2024 at 15:06 hours, Train No. 22101 (LTT-Madurai Express) arrived at Karjat Railway Station and while the train was starting to depart at about 15:08 hours, the injured applicant tried to board the moving train at Coach No.S-3 and in an attempt, she slipped and fell down in the gap between train and platform. The injured applicant was accompanied by her son Bhimrao *alias* Vinod Rajbhar Jadhav, who had been travelling with her from LTT. The incident occurred solely due to the injured applicant's own fault and negligence. Railway Administration is not responsible for the incident and not liable to pay any compensation.

7. Heard both sides Counsels and perused the case file. On consideration of materials available on record and the contentions of the Ld. Counsels appearing for both the parties, issues wise findings are recorded as follows:-

FINDINGS

Issue No.1 to 3 :

1) *Whether the injured was travelling on valid Railway ticket and was a bonafide passenger of the train, at the relevant time?*
2) *Whether the injured met with an untoward incident due to fall from the running train, suffered injuries as a result thereof and the present case is covered under section 123 (c) (2) of Railways Act, 1989?*
3) *Whether the Respondent prove the Respondent is protected under the exceptional clause (a) to (e) of Sec. 124 (A) of the Railways Act, 1989 and not liable to pay any compensation?*

8. As per Applicant, on 14.08.2024 while she was boarding Train NO.22101 Mudurai Express at Karjat Railway station, due to heavy rush and push of the passengers from backside, she accidentally fell down from train in to the gap between platform and train, sustained severe injuries to her leg and other parts of the body. As per claim, the Applicant was holding a reserved railway ticket vide PNR

No.8421880730 dated 14.08.2024 for her journey from Lokamanya Tilak Terminal to Pune Junction Railway station, therefore, she is a bonafide passenger at the time of incident and entitled to get compensation. Though Respondent has not seriously disputed the bonafide status of the injured, it is disputed that the injured applicant acted negligently in boarding the running train. Hence, the injured is not entitled to any compensation.

9. Through her affidavit and during cross examination, AW-1, the injured applicant has submitted that the journey ticket was for her intended journey from Lokamanya Tilak Terminus (LTT) to Pune, but she boarded the train at Karjat instead of LTT. She admitted that she tried to board moving train and in an attempt lost her balance and fell down. She was not alone and her son was already present in the train. Her son boarded the said train at LTT station.

10. To substantiate her claim, the injured applicant has filed photocopy of Electronic Reservation Slip (ERS) issued by IRCTC vide PNR No.8421880730 for journey from LTT to Pune by Train No.22101 Express with a berth No.24 reserved in S-3 Coach. In its written statement and during arguments the Respondent has not seriously disputed the bonafide status of the injured and did not contradict the reserved train journey ticket filed by the Injured Applicant.

11. Police has recorded the statement of Injured Applicant, which is available with case file as Ex.A-4 in which Injured Applicant categorically described the whole incident of occurrence. During treatment, left leg of the Applicant was amputated below the knee and underwent treatment for fracture of left clavicle and scapula, right shoulder dislocation, acute liver injury and many serious injuries on her body. To prove amputation and medical treatment, applicant filed Ex.A5 to Ex.A10 medical records. All documents filed by applicant have been proved through affidavit and

during her cross examination, nothing is found either contradictory or factually wrong. Although no eye witness has been examined on behalf of Injured Applicant, but the evidence adduced by injured herself. It would be pertinent to mention that Hon'ble Supreme Court in many cases, had established that evidence adduced by victim or Injured has a high esteem; which corroborates incident of present case.

12. The prime contention of the Respondent is that the injured applicant acted negligent by trying to board the moving train and sustained serious injuries. The applicant tried to board the moving train before the train could come to complete halt at the platform. The law has crystallised that the plea of negligence while boarding the train would not negate the right to claim for compensation towards injury or death. Hon'ble Supreme Court has established in the case of Union of India Vs. Rina Devi (2018) that death or injury in the course of boarding or de-boarding a train will be counted as an untoward incident entitling the victim to compensation and will not fall under the *proviso* of Section 124-A of the Railways Act merely on the plea of negligence of the victim. It is also settled law that to deny the compensation under the proviso of Section 124-A of Railways Act, it has to be proved that the case falls under these exceptions and there is no presumption.

13. As per Section 124-A of the Act, Explanation-2 states that " ***'Passenger'*** **includes a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of any untoward incident"**.

14. From the record available with case file, it is clear that the injured applicant intended to travel by Train No.22101 Express being a bonafide passenger and the incident happened while she was boarding the train. Apart from the account of the injured applicant involved in the incident, there are no other eyewitnesses in this case. Except for the plea of negligence, the respondent has not produced any cogent evidence to establish that the injured acted in a manner amounting to criminal negligence, such that the exceptions under Section 124-A of the Act could be invoked.

15. Under the facts and circumstances explained above, the incident occurred during boarding of train being a bonafide passenger is covered under the definition of untoward incident. Hence, it is held that Applicant was a bonafide passenger and sustained injuries in an untoward incident. Hence, Issue Nos.1 to 3 are decided in favour of Injured Applicant and against the Respondent.

Issue Nos.4 & 5: *What is the nature and extent of injuries sustained by the injured? And to what Order/relief?*

16. According to the applicant she suffered amputation to left leg below the knee. Ex.A5 to Ex.A10 are the medical records issued by Shri Balaji Hospital, Dhanvantari Hospital and Nanavati Hospital respectively corroborates the injuries suffered by the applicant. The injuries sustained by the applicant were also noticed during the cross-examination when applicant was present in open court. Item No.22 of Part III of the Schedule appended to Rule 3 of The Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 (as amended) provides compensation of ***Rs.3,20,000/-*** *for* ***amputation below knee with stump exceeding 5".*** As could be seen from medical record, the injured also suffered and underwent treatment for

fracture of left clavicle and scapula, right shoulder dislocation, acute liver injury and many serious injuries on her body which have not been listed in the above schedule, therefore, in order to mitigate the suffering of the injured for the injuries being non-scheduled, we feel it just and reasonable to award ***Rs.1,60,000/-*** in addition to above scheduled compensation. Thus, the applicant is entitled to a total compensation of ***Rs.4,80,000/- (Rupees Four Lakhs Eighty Thousand only)*** for the above injuries with interest @ 9% p.a. from the date of incident to the date of this order.

17. In the result, the case of Applicant is liable to be allowed.

O R D E R

a) The Claim Application filed under section 16 of Railway claims Tribunal Act 1987, is hereby allowed.

b) The Respondent shall pay Rs 4,80,000/- (Rupees Four Lakh and Eighty Thousand only) plus 9% interest from the date of incident to the date of order to the Applicant as a compensation in the office of Additional Registrar, RCT Mumbai within 30 days from the date of receipt of this order.

c) In case of default in payment within the stipulated period of 30 days as referred above, the Respondent shall pay the further interest @ 9 % per annum from the date of receipt of this order till the date of deposit of payment in RCT.

d) As per the guidelines delineated by the Ministry of Railways (Railway Board) vide Notification dated 3rd June, 2020 under GSR 347 (E) which came into effect from 1st day of January, 2020, after considering the status of the Applicant and to protect the amount from being frittered away, the amount of Rs. 4,80,000/- (Rupees Four Lakh and Eighty Thousand only) plus 9% interest shall be disbursed in the following manner:

1. Applicant, Mrs. Sushila Rajdhar Jadhav shall be permitted to withdraw an amount of Rs. 40,000/- (Rupees Forty Thousand only), in her Saving Bank Accounts through NEFT/RTGS, from the total awarded compensation amount of Rs. 4,80,000/- (Rupees Four Lakh and Eighty Thousand only) plus interest @ 9 % p.a. from the day of incident till date.

2. The balance amount of Rs. 4,40,000/- (Rupees Four Lakh Forty thousand only) plus interest, be kept in the name of Applicant Mrs. Sushila Rajdhar Jadhav, in Annuity deposit in any nationalised Bank located nearer to the permanent residential address of the Applicant, in the manner described below.

Applicant's name.	**Amount to be disbursed in favour of Applicant(s) by NEFT/RTGS**	**Amount to be invested in Annuity Deposit Scheme of Nationalized Bank and the amount to be dispersed monthly.**
Mrs. Sushila Rajdhar Jadhav	Rs. 40,000/- (Rupees Forty Thousand only)	Rs. 4,40,000/- (Rupees Four Lakh forty thousand only) plus pro-rata interest kept in Annuity scheme on similar line as MACAD with monthly payment of Rs.10,000/- (Rupees Ten Thousand Only) in Savings Bank account of the awardee till whole deposit is exhausted.

3. The Claimant is directed to open an individual Savings Bank Accounts in any Nationalized Bank located nearer to the place of permanent residence of Applicant.

4. The Bank is hereby directed not to permit any joint name(s) to be added in the Savings Bank Accounts of the Applicant i.e. the Savings Bank Account of the Applicant shall be an individual Savings Bank Account and not a Joint Account. The concerned Bank is further directed not to issue any Cheque Book and/or Debit Card in the name of Applicant for the above referred S.B. account. If the same are issued, the concerned Bank authority is directed to take step to cancel/revoke the same before making any payment of awarded amount to the Applicant. Moreover, the concerned Bank shall take care for not issuing any Debit Card relating to above referred S.B. account of the Applicant by any other branch of the Bank. The Bank shall put an endorsement on the Passbook issued in favour of Applicant to the effect that no Cheque Book and/or Debit Card

shall be issued to the Applicant as per the Annexure A (enclosed herewith) without the permission of this Tribunal.

5. The concerned Bank of the Claimant is directed to permit the Claimant to withdraw money from their Savings Bank Accounts by means of a withdrawal form only. The Claimant is directed to produce the copy of this order before the concerned Bank for requisite endorsement in the Passbooks.

6. The Original Annuity Deposit shall be retained by the bank in safe custody. However, the statement containing the monthly payment, last payment date, etc. shall be furnished by Bank to the Claimant.

7. The Bank shall not grant any loan, advance, withdrawal or pre-mature discharge on the Annuity Deposits without permission of this Railway Claims Tribunal. Annuity scheme shall be governed by directions of G.S.R. 347 (E) dated 03.06.2020 issued by Ministry of Railway. This should be strictly implemented by the parties concerned. For better appreciation of the Scheme, GSR may be referred.

8. The Claimant is directed to produce the original Bank Passbook with the necessary endorsement as well as Aadhaar Card and PAN Card before the Additional Registrar, RCT, Mumbai. ADR shall take the following documents on record from the Claimant before releasing the awarded amount.

   (a) Details of the Bank Accounts of the Claimants near to the place of their permanent residence with necessary endorsement.
   (b) Aadhaar Card and PAN Card or any other appropriate ID card; and
   (c) Two sets of photographs and specimen signatures of the Claimants.

9. There shall be no order as to cost.

10. The certified copy of this judgement be given to parties free of cost.

(Mohit Sinha)
Member (Technical)

(Dr. R. Sathyabama)
Member (Judicial)
RCT, Amravati Bench @
Circuit Bench RCT, Mumbai

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