



Railway Claims Tribunal, Circuit Bench Mumbai at Guwahati
(Through hybrid mode)

Coram: Mrs. Leena Sarma, Member (Technical)

OA(IIu)/MCC/246/2022

Date of filing of claim application: 16.11.2022

Date of Judgement: 31.12.2025

Smt. Suvarna Vaman Madhe,

Wife of Shri Jalindhar Palhu Kevhari,

Resident of Yelkhopwadi, Post Akalapur,

Taluka Sangamner, District Ahmadnagar,

Maharashtra-422620

..... Applicant

-Versus -

The Union of India represented by

General Manager, Central Railway, C.S.M.T, Mumbai

..... Respondent

Present (through hybrid mode):

Shri K.Singh, Advocate Learned counsel for the applicant.

Shri Ankita Rele, Advocate Learned counsel for the respondent

JUDGEMENT

1. The applicant Smt. Suvarna Vaman Madhe has filed this claim application for compensation under Section 16 of the Railway Claims Tribunal Act, 1987 for the injuries allegedly suffered by her while travelling by train on 26.07.2022.
2. Applicant's case is that she works in Maharashtra Police, C.P. Office, Thane. On 26.07.2022, in the morning, she purchased a railway journey ticket from Ambiwali to Thane at Ambivali Railway Station in order to go to her working place and boarded in Chhatrapati Shivaji Maharaj Terminus SF Express train at 08:25 AM. The applicant was compelled to stand near the door of the compartment, as it was overcrowded with passengers. After departure of the said train from Ambiwali Railway Station, when the train was in between Ambiwali and Shahad Railway Station, another train passed speedily on the down line. At that time, someone threw a stone, which hit on her head and left eye and she got severely injured. When the train stopped at Shahad Railway

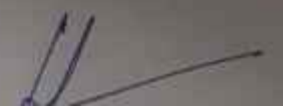
Station, she could not get down there, but when it stopped at Kalyan Railway Station, she boarded from the train and she was taken to Rukminibai Hospital, Kalyan by on duty police personnel viz. PC 210-18 Dhaygude for medical treatment. She gave the mobile number of her husband to the police personnel, who informed him about the incident and called him to Rukminibai Hospital. Thereafter, she was taken to Fortis Hospital, Kalyan and then to Fortis Hospital, Mulund for better medical treatment. Due to heavy crowd of passengers in the compartment and also the incident, she lost her purse, containing the railway journey ticket.

3. The respondent railway has contested the claim application by filing written statement, therein, the respondent has denied that on 26.07.2022, the applicant was travelling by train from Ambivli to Thane and while the train was in between Ambivli and Shahad, someone from another running train threw stone towards her, which hit her head and on left eye. The respondent averred that as per investigation report, the victim was not having any railway journey ticket or travelling authority, as such, puts the applicant to furnish strict proof to prove that at the time of alleged incident, she was a bonafide passenger. The respondent also averred that as per memo issued by Station Master/Kalyan on 26.07.2022



at about 08:50 hrs., an unknown lady, aged about 25 years was found in injured condition at Platform no.3 of Kalyan Station towards Kasara end, having injury below right eye. There is no eye witness of the incident, as such denied that the alleged incident falls within the ambit of Section 123(c) of the Railways Act, 1989. The respondent rather asserted that the injury sustained by the victim is a self-inflicted injury, caused by her own criminal act and negligence, for which the Railway Administration is fully protected under the exemption clauses of Section 124-A of the Railways Act, 1989. Railway Administration, time to time, makes aware the passengers through public announcement system not to travel on foot board or stand near the door or not to board in running train or not to cross the tracks. There is no negligence, carelessness or any fault on the part of the Railway Administration and its servant. Accordingly, the respondent seeks for dismissal of the claim application.

4. The respondent railway has also brought on record the DRM Report, in which the findings of the investigation of the instant case have been given. Therein it is stated that the incident occurred on 26.07.2022 at 08:50 a.m., while the victim was traveling on a local train between Ambivali and Kalyan Railway Stations. In the Memo No.040269, Form 1, issued by Deputy Station Manager, Kalyan and the Station Diary of



the date of the incident, it is mentioned that an unknown woman, about 25 years old, was found in injured condition near the Kasara end of Kalyan Platform No.3. She suffered injury under her right eye. After providing first aid, she was taken by the GRP to Rukminibai Hospital, Kalyan, for further treatment. Cause of incident was not shown. No railway journey ticket or travelling pass was found with the injured woman. G.D. No.060 was registered at the Kalyan GRP Station on 26.07.2022 at 16:11 hrs. The Kalyan GRP did not record any injury number for the incident; it only recorded the incident in the Station Diary. The incident occurred within the station premises, but CCTV footage of the incident was unavailable. In the statement given by the injured woman to the GRP, it has been stated that while she was travelling in a local train between Ambivali and Shahad, she got injured after being hit by a heavy (solid) object flying from a speeding mail/express train on the down line, whereas, in the statement given to Resub Post Titwala by her, she has stated that the incident took place when the local train started from Shahad station and after travelling for two-three minutes, it passed through Waldhuni Nala area. As such, the exact location of the place of occurrence could not be ascertained. According to the statement of the injured woman, while she was standing at the door of the local train, at that time, from a mail/express train



running on the down line, a heavy (solid) object flew towards her and hit her eye and she got injured.

5. On the above pleadings of the parties, the following issues were framed on 13.03.2024:-

1. Whether the injured was travelling on valid railway ticket and was bonafide passenger of the train in question 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 the Railways Act, 1989?
3. Whether the respondent proves that the respondent is protected under the exceptional clause (a) to (e) of Section 124-A of the Railways Act and not liable to pay any compensation?
4. What is the nature and extent of injuries sustained by the injured?
5. To what relief and order?
6. In support of the claim application, the applicant Smt. Suvarna Varman Madhe has examined herself as AW-1 and has filed photocopy of documentary evidences viz. Police Report dated 26.07.2022; Statement of Smt. Suvarna Varman Madhe recorded by the police; Dy.

Station Manager, Kalyan's Memo dated 26.07.2022; Medical Report dated 26.07.2022 issued by Rukminibai Dispensary, Kalyan; Police Intimation Form; Discharge Summary dated 30.07.2022 issued by Fortis Hospital Limited, Kalyan; Discharge Summary dated 06.08.2022 issued by Fortis Hospitals Limited, Mumbai; Bank Passbook, Aadhar Card, Identity Card issued by Jt. Commissioner of Police, Thane City of Suvarna Vaman Madhe.

7. The respondent railway in support of its claim did not lead any ocular or documentary evidence, but has relied on the DRM Report and the papers annexed with the DRM Report, prepared in respect of this incident by the police and railway authorities.

8. I have heard the learned counsel for the parties and perused the record.

9. **Discussion and findings on the issues:**

ISSUE NO.1: Whether the injured was travelling on valid railway ticket and was bonafide passenger of the train in question at the relevant time?

- i) The Claim Application vide Para 1) (a) in Part II claims that she was a passenger. But the ticket details column in 1(b) have been kept blank. In Para 2) (a) & (c) details of the train have been
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furnished as CSMT SF Train (8.25 AM) running from Ambivali to Thane.

- ii) No ticket has been recovered from the injured and no ticket was submitted later on.
- iii) From the extant evidences, it is difficult to say whether the injured was a bonafide passenger or not. But if the Rail travel and falling down from a running train is proved, the 'ticket lost' scenario can be connected to that fall.

ISSUE NO.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 the Railways Act, 1989?

- i) It is a very peculiar case where the victim applicant claims that she travelled by a local train and while travelling at the door, a hard object flying towards her eyes and hit her hard. She lost eye-sight in the process.
 - ii) She claimed to have lost her purse and the ticket while she was hurt in her eyes and she had to get down at Kalyan.
 - iii) She was found lying in Kalyan Station PF No 3 towards Kasara injured. She was taken to Rukminibai Hospital for initial treatment
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and then the doctor referred her to Colaba hospital. However, her husband took her away for treatment at Fortis Hospital.

- iv) The report of Fortis Hospital shows heavy injuries to her eyes like multiple orbital fracture, acute post traumatic globe rupture with retinal detachment and excessive vitreous hemorrhage.
- v) If we look at the nature of the accident, it might have happened either during the travel in the train when a hard object hit her eyes or it might have happened in the platform too when a hard object thrown by someone or flown due to some other reasons hit her eyes hard. Whatever may be the reasons, it happened in the Railway premises, either in the train or the platform. It is not believable that she was hit by something in her eyes somewhere else and she rushed towards Railway station. Why should she come to a Railway station in such an eventuality?
- vi) Ticket might be lost along with other valuables like purse etc. in such a scenario. The photograph submitted reveals the extent of injuries and trauma on that day.
- i) It is not covered under any proviso of Section 124-A (a) to (e). Under no stretch of imagination, this incident can be thought to have been caused by her own criminal act, self-inflicted injury,

desire to commit suicide, any act done under intoxication or insanity etc.

The accident is deemed to have been covered either by Section 123©(1) (ii) or Section 123©(2) of the Railways Act, 1989 and the applicant is to be compensated as provided under Section 124-A of the Railways Act, 1989.

ISSUE NO.3: Whether the respondent proves that the respondent is protected under the exceptional clause (a) to (e) of Section 124-A of the Railways Act and not liable to pay any compensation?

: This issue has been discussed in Issue No. 2 and does not need any elaboration. This issue has been answered in the negative.

ISSUE NO.4: What is the nature and extent of injuries sustained by the injured?

: The nature of injuries described in the medical report like multiple orbital fracture, CLW over the eyebrow and lower eyelid which got sutured on 28.07.2022. Acute post traumatic globe rupture with retinal detachment and excessive vitreous hemorrhage. She underwent ENUCLEATION plus BALL IMPLANT on 04.08.2022.

ISSUE NO.5: To what Relief and Order?

:As per "The Railway Accidents and Untoward Incidents (Compensation) Rules, 2016" the Applicant is to be compensated as

provided by Rule 23 of Part III of that schedule, Rs. 3,20,000/- with 9% rate of interest from the date of the incident to the date of this order. This has to be paid within 90 days of the receipt of the order by the Respondent failing which 12% rate of interest from the 91st day of the receipt of the order by the respondent till the day of deposit of the decreed amount with the ADR.

The entire amount of compensation has to be paid to the Applicant through RTGS/NEFT. While deciding the mode of payment, this court has taken into account the applicant's official status. It is understood that she does not belong to a marginalized section of the society being in a govt job, that too in a Police job, and therefore, there is no fear that the compensation amount would be frittered away in her case and therefore, it is ordered that the entire amount would be released in her case.

ORDER

I. The original application is allowed on contest against the Respondent. Respondent is directed to pay to the applicant namely Smt. Suvarna Vaman Madhe, (injured person) a sum of Rs.3,20,000/- (Rupees Three Lakhs and Twenty Thousand Only) under Rule 23 of Part III of the schedule as prescribed in "The Railway Accidents and Untoward Incidents (Compensation) Rules, 2016". This has to be paid to the applicant with 9% rate of interest from the date of the accident to the date



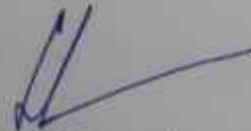
of this order. This has to be paid within 90 days of the receipt of order by the Respondent failing which 12% interest will be paid from the 91st day of the order of receipt by the respondent to the date of actual deposit with the ADR/Mumbai Bench.

II. Railways need to ensure compliance of all the conditions mentioned in Para 5.4.4 and Para 5.4.5. Ministry of Railways Notification of 3rd June, 2020 issued under F. No.2019/TC-III/26/3 at the time of disbursal.

III. Registry is directed to send a certified copy of this judgment to the applicant address through speed post.

IV. This original application stands disposed of accordingly.

V. Let this case file be consigned to the record room after due compliance.



(Leena Sarma)
Member (Technical)
RCT, Circuit Bench Mumbai
at Guwahati

ED