

रेल दावा अधिकरण, नागपुर पीठ, नागपुर के समक्ष
BEFORE THE RAILWAY CLAIMS TRIBUNAL: NAGPUR BENCH, NAGPUR

CORAM : MS. IVY CHARLES D'CRUZ
HON'BLE MEMBER (JUDICIAL), RCT/NAGPUR
CIRCUIT BENCH OF PARENT BENCH i.e. RCT/MUMBAI BENCH

Case No. : OA (Ilu)/MCC/57/2020

Date of Judgement - 10.04.2026

APPLICANTs : Mr. Rupesh Ramakant Bhabal
Aged about 26 years
Residing at : Room No.59, Shivshankar Nagar,
Salt Pan Road, Sai Baba Mandir, Wadala,
Antop Hill, Mumbai - 400 037

V/s.

RESPONDENT : Union of India through
The General Manager
Central Railway, C.S.M.T. Mumbai - 400 001

VALUE OF CLAIM: Rs. 8,00,000/- + Interest

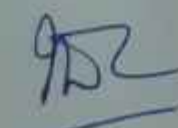
Applicant by Ld. Counsel Shri D.S. Kulkarni (Joined through hybrid mode)

Respondent by Ld. Counsel Md. Jamil Khan (Joined through hybrid mode)

JUDGEMENT

1. As per direction of Hon'ble Chairman/RCT/Delhi, this case was assigned for hearing and disposal through hybrid mode at RCT/Nagpur. After hearings of arguments from both the sides through hybrid mode on 08.04.2026, the matter was reserved for order and is decided on merits of the case.

2. The applicant have filed this claim application under Sec.16 of the Railway Claims Tribunal Act, 1987 seeking compensation for an amount of Rs.8,00,000/- for the injuries sustained by him in an untoward incident occurred allegedly on 23.09.2019.



3. It is contended by the applicant in his claim application that on 23.09.2019 at about 22:10 hrs., he was travelling by Harbour local train from Kurla to Wadala Railway Station in second class compartment. When the train was in between G.T.B. Nagar and Wadala Station near KM No.9/16, due to sudden jerk, heavy rush and push by passengers, he accidentally fell down from running train. He has sustained grievous injuries in the incident and was removed to L.T.M.G. Hospital Sion for treatment. He was travelling with 2nd class return railway ticket No.AFB-37201573 from Wadala Road to Mulund Station, dated 23.09.2019. It is contended by the applicant that he was bona fide passenger at the time of occurrence and he suffered injuries in an untoward incident, hence the applicant is entitled for claim compensation from respondent railway.

4. By filing reply, respondent denied the allegations and averments made in OA stating that the alleged incident does not fall within the ambit of untoward incident as defined under the Section 123 (c)(2) of the Railways Act. The applicant was not a bonafide passenger at the time of occurrence. The alleged incident occurred due to the sole negligent act of the applicant. The Applicant was travelling near the door of the compartment. The applicant himself is responsible for the alleged incident. The act of the applicant comes under the exception of Section 124 (A) of the Railways Act, hence the railway administration is not liable to pay compensation to the applicants and the present claim application is liable to be dismissed.

5. Based on the pleadings of the parties following issues were framed on 28.10.2020 :-

1. Whether the injured was travelling in the train in question as a bonafide passenger?
2. Whether the injured fell down from the train, as alleged and whether the incident can be described as an untoward incident as defined u/s. 123 (c) (2) of the Railways Act?
3. What is the nature of injuries sustained by the injured?
4. To what relief?



6. To prove the case, the applicant affirmed an affidavit and produced himself as witness AW-1 and documents are marked as Exh.A-1 to A-9. Respondent railway filed the DRM Report along with number of documents.

7. Heard both the counsels, perused the pleadings and other material placed on record and the findings are as follows.

Findings with reasons:

ISSUE No.1:

8. It is argued by the applicant counsel that on 23.09.2019, the applicant was travelling by Harbour local train from Kurla to Wadala Railway Station in second class compartment. When the train was in between G.T.B. Nagar and Wadala Station near KM No.9/16, due to sudden jerk, heavy rush and push by passengers, he accidentally fell down from running train. The applicant was travelling with 2nd class return railway ticket No.AFB-37201573 from Wadala Road to Mulund Station, Rs.20/-, dated 23.09.2019. The alleged original return journey ticket is placed on record by the applicant. It is argued by the applicants counsel that the applicant was a bona fide passenger and sustained serious injuries in an untoward incident, hence the applicant is entitled for claim compensation.

9. It is mentioned by the respondent counsel in DRM Report that the GRP, Wadala has mentioned the recovery of journey ticket from the injured person in his Report. It is also mentioned in DRM Report that the alleged journey ticket is verified by CCM(PM)/CSMT. It is affirmed by AW-1 Mr. Rupesh Ramakant Bhabal that he has purchased 2nd class return railway journey ticket from Wadala to Mulund and was travelling in local train. Nothing adduced by the respondent to negate the above facts.

10. In the light of above facts and availability of original return railway journey ticket, it is clear that the applicant was having a valid journey ticket for his travel from Kurla to Wadala hence he was a bonafide passenger at the time of occurrence. Nothing contrary has been shown on behalf of the respondent railway. Therefore, issue No.1 is



held to be proved and requires no further elaboration. Issue No.1 is answered in affirmative in favour of the applicant.

ISSUE No.2:

11. So far as the factum of untoward incident is concerned, Memo No.002206, issued by Dy. Station Manager, Wadala Road on 23.09.2019 at 22:10 hrs. says that one unknown male aged about 40 years is found between GTBN and WDLR Stations, KM No.9/16 with injuries in his leg. The statement of applicant was recorded on 23.09.2019 at Sion Hospital (Page No.18 of claim application) wherein it is stated by him that he came at Gangway of train for alighting at Wadala Railway Station at that time, he fell down from running train and sustained multiple injuries. It is admitted by respondent railway in DRM Report that the deceased was travelling in train and was fell down from train but it is mentioned by the respondent counsel that the alleged incident does not fall within the ambit of untoward incident as defined under the Section 123 (c) (2) of the Railways Act. The applicant was travelling negligently on the footboard of Local Train. As per Section 156 of Railway Act, the alleged act of applicant is crime. The incident occurred due to his own criminal negligent act. The applicant himself is responsible for the alleged incident hence the railway administration is not liable to pay compensation to the applicants and the present claim application is liable to be dismissed.

12. However, the contention of the respondent railway that the applicant suffered injuries due to his own criminal negligent act and that the alleged incident falls under the provisions of Section 124A of the Railways Act, 1989, cannot be accepted. It is admitted by the respondent railway in DRM Report that the applicant was travelling in the train. The applicant was traveling as a bona fide passenger. He was having valid and proper return railway journey ticket at the time of his travel which is verified by the respondent. The applicant had no intention of injuring himself. Respondent railway did not produce any evidence to prove that the applicant was careless and negligent at the time of occurrence. Respondent railway did not produce any evidence to prove that the applicant was not involved in any untoward incident. It is held by Hon'ble Supreme



Court in Civil Appeal No. 4945/2018, Union of India vs. Reena Devi in paragraph 16.1 that:

".....In Prabhakaran Vijaya Kumar (supra) it was held that Section 124A lays down strict liability or no fault liability in case of railway accidents. Where principle of strict liability applies, proof of negligence is not required."

It is also held by Hon'ble Supreme Court in Civil Appeal No. 4945/2018, Union of India vs. Reena Devi in paragraph 16.6 that:

"Accordingly we hold that death or injury in the course of boarding or de-boarding a train will be an 'untoward incident' entitling a victim to the compensation and will not fall under the proviso to Section 124-A merely on the plea of negligence of the victim as a contributing factor."

Based on the above decision of the Honorable Supreme Court, in case of an untoward incident involving a bona fide passenger, the respondent railway is strictly liable to compensate the injured person or dependents of the deceased. In this case, too, the alleged incident falls under the category of untoward incident. The alleged incident does not fall within the exceptions provided in Section 124A of the Railways Act, 1989. The applicant was traveling as a bona fide passenger and fell down from a running train and sustained injuries. The above incident falls under the category of untoward incident under Section 123(c) (2) of the Railways Act, and therefore, issue No.2 is also answered in favour of the applicant.

ISSUE No.3 & 4

13. In view of my findings on issue No.1 and 2, it is held that the applicant was a bonafide passenger at the time of alleged incident and he had suffered injuries in an untoward incident for which the applicant is entitled to get the statutory compensation. At the time of applicant evidence, both the counsel fairly admitted that the injuries of the applicant is classified under Sr. No. (22) – Amputation below knee with stump exceeding 5 inches, Sr. No. (33) - Fracture of major bone femur tibia of one limb and (34) Fracture of major bone humerus radius ulna of one limb of Part III Schedule of Railway Untoward Incidents (Compensation) Rules, 1990 as amended in 2016. According to which, the applicant is entitled to compensation of Rs.3,20,000/-.



Rs.80,000/- and Rs.64,000/- respectively for the above injuries. Therefore the applicant is entitled a total of above i.e. Rs.4,64,000/- (Rupees Four Lakh Sixty Four Thousand only) as compensation amount. The following order is passed, deciding this claim in the applicant's favor:

ORDER

14. In the result, the O.A. is **ALLOWED** on contest. The Respondent Railway shall pay to the applicant, a sum of Rs.4,64,000/- (Rupees Four Lakh Sixty Four Thousand only) as compensation along with interest @ 9% per annum on the compensation amount of applicant from the date of incident till the date of receipt of this judgement.

15. Accordingly, Respondent Railway is directed to deposit the awarded amount of compensation within 60 days from the date of receipt of this judgment in the Suitors money account being maintained by the Additional Registrar/RCT/Mumbai Bench. The compensation amount is distributed as follows:

Name of Applicants	Compensation Amount	Disbursement of Compensation Amount	
		Cash	Annuity
Mr. Rupesh Ramakant Bhabal	Rs.4,64,000/-	Rs.46,400/- + accrued interest	Rs.4,17,600/-

16. The Respondent Railway is further directed to deposit the compensation amount in the Suitors money account of the Tribunal maintained by the Additional Registrar/RCT/Mumbai within a period of 60 days from the date of receipt of this order. If the Respondent Railway fails to deposit the compensation amount within 60 days then Respondent Railway shall be liable to pay future interest @ 9% interest on the compensation amount from the date after the period of 60 days till the date of payment. While depositing the awarded amount along with interest, the respondent railway shall send notice by registered post to the applicants with a copy of the same to the Additional Registrar and to the counsel for the opposite party giving complete details of the payment such as UTR number, calculation of interest etc.



17. So far as disbursement of the amount of award is concerned, it is noticed that in *Geeta Devi v/s Union of India* [FAO 22/2015 & CMA 4501/2015] dated 24th May, 2019, Delhi High Court has inter alia observed that :-

"5. As Regards Amendment to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990

1.1. Many of the claimants are drawn from rural areas with low levels of literacy and lower levels of making appropriate decision for the use of amounts guaranteed under the awards. There are several instances of their exploitation by middlemen and touts operating in the field. The scope for such exploitation is itself one of the incentives for fomenting bogus claims, fabricated documents and duplicate claims in different Benches of the Tribunal for the same cause of action. The availability of bulk funds in the name of an ill-informed claimant is also a cause for exploitation. A scheme for protection of the amount due to such a claimant is the need of the hour. Earlier, this Court has involved 21 Nationalized Banks in dialogue to evolve a scheme of annuities for disbursement of claims. They have been ordered already to be implemented in this case, vide directions passed on 22nd February, 2019. This scheme as applied to motor accident claims has been approved by the Supreme Court in its order dated 05th March, 2019 in *Krishnamurthi vs New India Insurance Company*, SLP (C) No.31521-31522 of 2017. A statutory rule backing will, therefore, best serve the interest of the litigant"

18. In pursuance of the orders passed by the Delhi High Court, Government of India has issued a Notification No. GSR (E) 347 dated 3rd June, 2020 amending Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020, amended Rule 5 reads as under:-

"5. Mode of payment—

5.1 *The Tribunal may, in order to protect the sum awarded to the claimant, having due regard to the illiteracy or other disabling factors impairing the judicious use of such sum, issue directions for disbursing the award in terms of annuities, fixed deposits or other suitable mode as shall subserve justice.*

5.2 *If any of the claimants is a minor or person of unsound mind, the Tribunal may give liberty to the guardian ad litem to use the interest accruals on the deposit that shall be made during the minority for maintenance.*

5.3 Nothing in this Rule shall limit the power of the Tribunal to make modifications of the mode of disbursal for reasons to be stated in writing depending on the exigencies requiring liquidation of any corpus created for annuity or premature closure of fixed deposit, for the benefit of the claimant.

5.4 The orders dated 21st April, 2017, 24th May, 2019 and 6th November, 2019 of Hon'ble High Court of Delhi in FAO No. 22/2015 and CM Application No. 4501/2015 in Geeta Devi Vs Union of India, relating to disbursement of compensation shall be read as part of this Rule."

Therefore, considering factors impacting judicious use of the awarded sums, like age, marital status and level of dependency of the claimants and in compliance of Rule 5 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended vide Notification of 3rd June, 2020, in the present case, the amounts of award shall be disbursed in the following manner:-

19. 10% of the compensation amount of Applicant i.e. Rs.46,400/- (Rupees Forty Six Thousand Four Hundred only) + accrued interest shall be released forthwith by ECS/NEFT to him. Remaining amount of Applicant i.e. Rs.4,17,600/- (Rupees Four Lakh Seventeen Thousand Six Hundred only) shall be split into 36 monthly fixed deposits of Rs.11,600/- (Rupees Eleven Thousand Six Hundred only) and invested for a period of 1 to 36 months in ascending order as per annuity scheme. The bank shall release the amount with accumulated interest upon maturity of each of these deposits to the Savings Bank account of applicant near the place of his residence.

20. The applicant is hereby directed to submit details of his individual Bank account of a nationalized Bank situated near the place of his residence to the Additional Registrar/RCT/Mumbai personally.

21. If the Applicant is entitled to exemption of deduction of TDS, he shall submit Form 15-G or Form 15-H (for senior citizen) to the Presenting Officer of the Railway within 15 days from the date of this order and in such case no TDS is to be deducted by the respondent railway.

22. In pursuance of Rule 5.4.4 of the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 as amended by GSR 347 (E) dated 03.06.2020, following conditions are imposed in respect to the fixed deposits:-

- (i) The Bank shall not permit any joint name(s) to be added to the applicant's savings account or fixed deposit account.
- (ii) No loan, advance, withdrawal or pre-mature discharge be allowed from the fixed deposit without permission of the Tribunal.
- (iii) The Bank shall not issue any cheque book and/or debit card to the applicant. However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount.
- (iv) The bank shall make an endorsement on the passbook of the applicant to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Tribunal and the applicant shall produce the passbook with the necessary endorsement before the Additional Registrar of the Tribunal.

23. The application is allowed in the above terms with no order as to costs.

24. File to be sent to the parent Bench i.e. RCT/MUMBAI Bench.


10/4/2026

(MS. IVY CHARLES D'CRUZ)
Member (Judicial)/RCT/NGP
Acting as Circuit Bench of parent Bench
i.e. RCT/Mumbai Bench

Nagpur

Date : 10.04.2026