



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

% Reserved on : 24.08.2026  
Pronounced on : 10.09.2026  
Uploaded on : 10.09.2026

# **CNR No. DLHC010255502023**

+ **FAO 158/2023**

SHYAM SINGH & ANR. ....Appellants

Through: Mr. Rajan Sood, Ms. Ashima  
Sood and Ms. Megha Sood,  
Advocates

versus

UNION OF INDIA .....Respondent

Through: Mr. Bhagwan Swarup Shukla  
CGSC with Ms. Saumya  
Srivastav, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

### **JUDGMENT**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 22.09.2022, passed by the Railway Claims Tribunal, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA(IIU)/DLI(Lko)/445/2021, titled as "Sh. Shyam Singh & Anr. vs. Union of India".

2. The brief facts of the case, as borne out from the record, are that on 10.11.2015, Sh. Sanjeev Kumar (hereinafter referred to as the



“deceased”) was travelling from *Etawah* to *Agra Cantt.* along with his father, Sh. *Shyam Singh*, by Train No. 64157 (*Etawah-Agra Cantt. Shuttle MEMU*), on the strength of a valid second-class journey ticket. During the course of the journey, while the train was approaching *Agra Cantt. Railway Station*, the deceased, who was occupying the upper berth, fell from the berth due to a sudden jerk in the moving train and became unconscious. He was thereafter attended to by the railway doctor and was declared dead. His post-mortem was subsequently conducted at District Hospital, *Agra*.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants on the ground that although the deceased was a *bona fide* passenger, his death was not the result of an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”), but was a natural death on account of “myocardial infarction”.

4. Learned counsel for the appellants assails the impugned judgment by contending that the deceased fell from the upper berth due to a sudden jerk in the moving train. It is submitted that the Dy. SS/AGC memo, the *Panchnama* and the testimony of AW-1/Sh. *Shyam Singh*, father of the deceased, establish the occurrence of the accidental fall. Learned counsel further submits that the fact that the post-mortem report records myocardial infarction as the cause of death would not, by itself, negate the occurrence of the accidental fall. Reliance has been placed upon the judgment of the Hon’ble Supreme



Court in “Union of India v. Prabhakaran Vijaya Kumar”<sup>1</sup> as well as the decision in “Beena Bhattacharya v. Union of India”.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the post-mortem report categorically records the cause of death as shock resulting from myocardial infarction. It is further submitted that no external injuries were found on the body of the deceased and that AW-1 had admitted that the deceased was undergoing treatment and was travelling to *Agra Cantt.* for medicines. It is, thus, contended that the death was on account of a natural cause and did not constitute an “untoward incident” under Section 123(c) read with Section 124-A of the Act.

6. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the deceased was a *bona fide* passenger. The deceased was travelling on a valid second-class journey ticket, which finding has neither been challenged nor disputed by the respondent. The said finding has, therefore, attained finality.

7. The controversy in the present appeal is, accordingly, confined to the question as to whether the deceased suffered an “untoward incident” within the meaning of the Act.

8. The Tribunal, while answering the aforesaid issue against the appellants, has principally relied upon the post-mortem report, which records the cause of death as “shock as a result of myocardial infarction”. The question, however, is whether the said medical finding, by itself, is sufficient to conclude that no accidental fall had occurred.

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<sup>1</sup>(2008) 9 SCC 527



9. Before considering the aforesaid aspect, it would be apposite to deal with the question as to whether an accidental fall “within the train” can constitute an “untoward incident”. In “Union of India through General Manager, Northern Railway v. Triveni W/o Late Shri Ram”<sup>2</sup>, a Co-ordinate Bench of this Court, while considering the scope of Section 123(c)(2) of the Act, held as under:

*“I would only like to state one fact that it is not even disputed on behalf of the appellant before me that the expression “untoward incident” does not mean that it does not include an incident in which a person dies on account of falling inside the train. The meaning of the expression “untoward incident” under Section 123(c) read with Section 124-A of the Railways Act, 1989 makes it more than abundantly clear that falling of a passenger from a train is an untoward incident and there is no requirement of Section 123(c)(2) that the falling of the passenger from the train must be outside the train...”*

10. In the present case, the record supports the occurrence of the accidental fall as stated by the appellants. The Dy. SS/AGC memo and the *panchnama*, prepared on the date of the occurrence, record that the deceased had “fallen from the seat” of Train No. 64157 and thereafter died. The same is corroborated by the testimony of AW-1/Sh. *Shyam Singh*, father of the deceased, who was travelling with him and stated that the deceased “fell from the upper berth due to a sudden jerk” in the moving train. Thus, the factum of the deceased having fallen inside the train, as borne out from the record, stands covered by the principle laid down in *Triveni* (supra).

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<sup>2</sup>2014 SCC OnLine Del 741



11. The post-mortem report, which was prepared subsequently, records the cause of death as “shock as a result of myocardial infarction”. The said medical opinion is relevant to the cause of death; however, it does not, by itself, efface the factum of the accidental fall which stands established from the contemporaneous record and the testimony of AW-1. A similar issue arose before the *Madras High Court* in “*Elambal & Ors. v. Union of India*”<sup>3</sup> (decided on 17.09.2013) wherein the Railway had relied upon the deceased having a pre-existing heart ailment and the post-mortem report recording cardiac arrest to contend that the death was natural. The Court, however, examined the circumstances in which the cardiac event had occurred and allowed the claim.

The facts of the present case stand on an even better footing. There is no documentary or medical evidence on record to establish that the deceased was suffering from any pre-existing cardiac ailment. The statement of AW-1 that the deceased was being taken to *Agra Cantt.* for treatment of back pain cannot, in any manner, establish the existence of any cardiac condition or that a cardiac event had occurred prior to the fall.

12. In this context, the statutory scheme also assumes relevance. In *Prabhakaran Vijaya Kumar* (supra), the Supreme Court held that Section 124-A of the Act incorporates the principle of strict liability or no-fault liability and that the expression “accidental falling of a

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<sup>3</sup>(C.M.A. No. 3048 of 2009)



passenger from a train carrying passengers” is required to receive a purposive and liberal interpretation. The medical finding regarding myocardial infarction, therefore, has to be considered along with the contemporaneous evidence establishing the occurrence of the accidental fall. In the present case, the evidence on record, considered cumulatively, establishes the occurrence of the accidental fall.

13. Consequently, the “accidental fall of the deceased from the upper berth inside the moving train” constitutes an “untoward incident” within the meaning of Section 123(c)(2) of the Act. The Tribunal, in proceeding solely on the basis of the medical cause of death to hold that no untoward incident had occurred, has failed to appreciate the evidence on record in its proper perspective.

14. In view of the above, the appeal is allowed, the impugned judgment 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 months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 30.09.2026.

15. The appeal is disposed of in the above terms.

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**SEPTEMBER 10, 2026**

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