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MA-648-2017

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 10th OF NOVEMBER, 2025

MISC. APPEAL No. 648 of 2017

RAJU DHURVEY

Versus

UNION OF INDIA

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Appearance:

Mr. Shafiqullah along with Mr. Mohd. Riyaz - Advocate for the
appellant.

Mrs. Ranajna Agnihotri along with Mr. Om Prakash Agnihotri -
Advocate for the respondent.
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ORDER

The instant appeal has been filed by the claimant being aggrieved with the order dated 18.01.2017 passed in Case No.OA/IIu/BPL/2012/0468 by learned Railway Claims Tribunal, Bhopal, whereby his claim has been rejected.

2. The concise account of the case are that on 01.06.2012, the appellant along with his family members was travelling by Dakshin Express from Amla to Bhopal possessing valid journey ticket. The coach in which they were travelling, was over crowded with passengers. When the train arrived at Habibganj Station, due to pressure of passengers from behind, he fell down from the train and came under the wheels of



train, as a result of which, both his legs got amputated above knee.

3. The claimant had filed a claim petition seeking compensation which has been dismissed by the learned Tribunal citing the reason that the appellant deliberately attempted to get down from moving train by compromising his own safety at a place other than platform which tantamounts to his own criminal act and cannot be considered as accidental fall.

4. Learned counsel for the appellant has argued that the learned Tribunal erred in not considering the fact that the appellant was a bona fide passenger holding valid journey ticket and was subjected to untoward accident in which both his legs got amputated. The learned Tribunal has wrongly come to the conclusion that the claimant had committed criminal act by trying to get down from the moving train whereas it has been established by the claimant that he fell down from moving train on account of pressure of over crowded passengers. He prays for allowing the appeal.

5. On the other side, learned counsel for the railways has supported the impugned order submitting that no interference by this Court is required as the learned Tribunal has considered each and every aspect minutely. He prays for dismissal of appeal.

6. Heard and perused the record.

7. The impugned order shows that there is no dispute regarding the appellant being boarded on the train having valid ticket and sustaining



injuries on account of falling from running train. The only dispute is in relation to the fact that the learned Tribunal has found that the appellant attempted to get down from the moving train before reaching to the platform to take the short cut for reaching to his home and the said act of appellant would fall under criminal act.

8. The claim of appellant was that he was travelling from Amla to Bhopal in general coach and while reaching to Habibganj Railway Station, he fell down from the moving train being pushed by the crowd.

9. Having considered the rival submissions and the material on record, this Court finds no merit in the defence raised by the Railway Administration that the injured-claimant is not entitled to compensation merely because he was standing near the gate of the coach and attempted to alight when the train was approaching the platform. The explanation of Railways is wholly unsatisfactory and deserves strong rebuke.

10. Besides the other drawbacks of Railways as observed by this Court recently, another flaw of Railway is that in long-distance trains, the two gates of each coach serve as common points for both entry and exit. There is no prescribed separate gate for boarding or de-boarding. In a normal train, there is no announcement for intimating the passengers about the side of platform in which the train is going to be halted. The Railway itself has permitted, by long-standing design and practice, a situation where passengers naturally rush towards the door area well before the train halts, especially at busy stations where the fear of



congestion, crowd pressure and pushing is real. In such circumstances, a passenger moving towards the gate in advance, with the genuine compulsion of ensuring a safe and timely exit, cannot be branded as negligent. On the contrary, it is the responsibility of the Railways to ensure regulated boarding and de-boarding to prevent overcrowding at the gates, to maintain proper announcement and provide safe conditions inside the coach.

11. This Court is constrained to observe that the Railway Administration must equally recognize and protect the life and dignity of passengers travelling in the General Class, just as it does for those travelling in higher classes of premium trains. The value of human life does not vary with the category of ticket purchased. Every passenger, irrespective of class, is entitled to the same standard of safety, care and vigilance from the Railways.

12. The plea of 'own negligence' or 'criminal act' raised by the Railways, without demonstrating any breach of statutory duty or misconduct on the part of the passenger, is wholly untenable. The claimant did not jump from a moving train nor did he was engaged in any prohibited act. He merely positioned himself at the gate, which is an unavoidable conduct for any ordinary passenger intending to de-board at a busy station. The failure of the Railway Administration to ensure safe ingress and egress, coupled with absence of safeguards to prevent overcrowding near the gates, amounts to gross deficiency in service. The



grievous injury suffered by the claimant leading to amputation of both his legs is a direct consequence of such systemic failure. Therefore, the Railways cannot evade statutory liability under Section 124-A of the Railways Act, by shifting the burden onto the victim. The claimant is entitled for full statutory compensation along with interest.

13. With the above analysis, the appeal filed by the claimant is **allowed**. The matter is remanded back to the learned Railway Claims Tribunal, Bhopal, for awarding compensation to the claimant as per prevailing schedule and guidelines at the relevant point of time, in accordance with law.

(HIMANSHU JOSHI)
JUDGE

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