IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1216 OF 2014

Harish Narayan Suvarna ….Appellant/Applicant

Versus

Union Of India,
Through General Manager,
Western Railway, Mumbai-400 020 ….Respondent/Opponent

Mr. Sainand Chougule for the Appellant/Applicant.

Mr. Chetan C. Agrawal a/w. Mr. Rushikesh Bhorania for the Respondent/ Opponent.

CORAM : JITENDRA JAIN, J.
DATED : 11th FEBRUARY 2026

JUDGMENT :

1. This Appeal challenges an order of the Railway Claims Tribunal, Mumbai dated 10.03.2014, whereby, the claim made by the applicant seeking compensation under the Railways Act, 1989 for injury came to be rejected on the ground that the injured was knocked down as per various reports mentioned in the impugned order.

2. The issue which arises for my consideration is whether the Tribunal was justified in rejecting the claim of the applicant on ground of no “untoward incident” ?

3. The applicant was working as a Lab Assistant with Bombay Hospital at Marine Lines. On 10.03.2001 at around 00:00 hours, he was waiting on platform no.1 for boarding a train going towards Borivali. As per his statement, he was knocked down, which resulted in the injury being

inflicted. The railway officials first took him to G. T. Hospital and, thereafter, at his instance, was shifted to Bombay Hospital. At Bombay Hospital, the authorities while recording patients history at the time of admission have recorded that the applicant had four large pegs of alcohol before dinner.

4. The reasoning given by the Tribunal for rejecting the claim that he was knocked down has not been appreciated in correct perspective. In the statement recorded by the injured person, he has stated that while he was waiting on platform no.1 to board a train towards Borivali, he was knocked down. This is not a case where a person while crossing the tracks was knocked down, but this is a case where a person while waiting on the platform must have stood closer to the border of the platform and, therefore, when the train approached the station, got hit and suffered injury. Therefore, the reasoning given by the Tribunal for rejecting the claim cannot be accepted. However, the issue is whether the injury has been caused on account of "untoward incident", but before that the applicant has to pass the test of qualification.

5. Proviso to Section 124A of the Railways Act, 1989 states that no compensation shall be payable by the Railway administration if the passenger suffers injury due to any act committed by him in a state of intoxication or insanity.

6. The medical report issued by the Bombay Hospital records that the applicant had consumed four large pegs of liquor before dinner. In my view, when it is an admitted position as recorded by the hospital authorities, that the applicant had consumed four pegs of liquor, it is a case of a person being in a state of intoxication. When a person is so heavily drunk, then his act of standing close to the border of the platform would be a case falling

within clause (d) of the proviso to Section 124A of the Railways Act, 1989 which states that any act committed in a state of intoxication. Standing near the border of the platform after consuming four pegs of liquor would fall within the said expression. When a person is in a state of intoxication, he would not know the border of the platform where he is standing because of the intoxication. Therefore, in my view, the applicant is not entitled to compensation by virtue of clause (d) of first proviso to Section 124A of the Railways Act, 1989.

7. Mr. Chougule, learned counsel for the applicant has relied upon the decision of the Nagpur Bench of this Court in First Appeal No. 565 of 2021 in the case of ***Smt. Shobha w/o. Deepak Thakre & Ors. vs. Union of India***[1] and contended that there was no test conducted for coming to the conclusion that the applicant was intoxicated and that intoxication led to the injury. In my view, the said decision is distinguishable on facts. In that decision, in the Medico-Legal Case (MLC) Report, the fact of intoxication was recorded, but in the postmortem report such fact was not detected and, therefore, it was on these facts that the applicability of clause (d) of the proviso to Section 124A of the Railways Act, 1989 was ruled out. In the instant case, as per the medical report of the Bombay Hospital, which also happened to be the employer of the applicant, it is stated that the injured applicant had consumed four large pegs of liquor and this was recorded at the instance of the applicant while recording facts at the admission stage. It is not the case of the applicant, that the statement is incorrect, or he did not give such statement.

8. The learned counsel for the applicant has relied on another judgment of the Nagpur Bench of this Court in First Appeal No. 140 of 2019, in the

1 First Appeal No. 565 of 2021, decided on 02.01.2023

case of ***Ankush s/o. Ramaji Amzare vs. Union of India.***[2] In this case also there was no expert report in respect of examination of blood on record for coming to the conclusion of intoxication. In the instant case, the stage of calling for expert report did not arise because the applicant himself on being asked at the time of admission to hospital has admitted before the hospital authorities that he has consumed four large pegs of liquor before dinner. Therefore on facts, this decision does not carry the case of the applicant any further.

9. I conclude by following :-

> *Alcohol ruins, it ruins everything…. Physical and mental health, relationships, causes family breakdown, social dysfunction, career disruption and has severe long-term lifestyle consequences. I am reminded of this quote by F. Scott Fitzgerald "First you take a drink, then the drink takes a drink, then the drink takes you."*

10. In view of above, though for the reasons different from those recorded by the Railway Tribunal, the present Appeal is dismissed.

[JITENDRA JAIN, J.]

2 First Appeal No. 140 of 2019, decided on 17.02.2020.