

News

A rail passenger who was under four pegs of alcohol was denied injury compensation by the Bombay High Court.



The Court decided that even if an incident otherwise meets the legal criteria for an undesirable railway accident, passengers who are hurt while intoxicated are not entitled to compensation.

After determining that the injured passenger had taken four large pegs of alcohol prior to the occurrence, the Bombay High Court on Wednesday refused to compensate him for the train accident [Harish Narayan Suvarna v. Union Of India].

A train knocked down the passenger who had been standing near the edge of the platform.

The Court decided that even if an incident otherwise meets the legal criteria for an undesirable railway accident, passengers who are hurt while intoxicated are not entitled to compensation.

The Court reasoned that drunkenness can lead to risky behavior and impair judgment.

As he wrapped up the ruling, Justice Jitendra Jain considered the wider effects of alcohol use.

"Everything is ruined by alcohol. Relationships, physical and mental health, professional upheaval, family disintegration, and societal dysfunction all have serious long-term lifestyle effects. "First you take a drink, then the drink takes a drink, then the drink takes you," the Court said, bringing to mind a passage by F. Scott Fitzgerald.

The appeal stemmed from a 2014 ruling by the Mumbai-based Railway Claims Tribunal that denied the compensation claim made under the Railways Act of 1989.

The injured passenger had come before the tribunal to get compensation for injuries sustained in an early-morning railway accident on March 10, 2001.

According to court documents, the man was waiting for a train to Borivali on the platform at midnight when he was struck by an oncoming train and suffered severe injuries.

He was first taken to a government hospital by the railway workers, who then moved him to Bombay Hospital for additional care.

According to Bombay Hospital's medical records, the traveler had four large pegs of alcohol prior to supper.

The High Court accepted this report, noting that it was never contested during the proceedings and was documented based on the patient's own declaration at the time of treatment.

Because the passenger had been "knocked down," the tribunal had previously dismissed the claim, arguing that it did not meet the criteria for an unfortunate railway accident.

The High Court disagreed, ruling that he was standing at the platform's edge when the train arrived rather than crossing the tracks, which might still qualify as an unintentional railway event.

In spite of this, the Court looked at the Railways Act's Section 124A proviso, which prohibits compensation in cases where an injury results from actions taken while intoxicated.

The Court determined that drinking a significant amount of alcohol constituted intoxication and that being close to the platform edge in such a state was dangerous behavior that was directly related to the harm.

The wounded passenger's attorney cited other instances in which damages were awarded in spite of alcohol allegations.

But the Court noted that those decisions differed due to the absence of verified medical evidence. In this instance, alcohol use was evidently documented in the hospital record.

The Court concluded that the statutory exclusion pertaining to intoxication applied even though the incident would have qualified as an undesirable episode.

It rejected the appeal as a result.

Sainand Chougule, an attorney, represented the wounded appellant.

Advocates Chetan C. Agrawal and Rushikesh Bhorania appeared on behalf of the Union of India (respondent) on behalf of the Western Railways.