



2026:DHC:7149



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

% Reserved on : 11.08.2026
Pronounced on : 24.08.2026
Uploaded on : 24.08.2026

+ **FAO 55/2019**

URMILA & ORS.

.....Appellants

Through: Mr. Yogesh Swaroop, Mr. Kapil
Kishor, Mr. Kaushik,
Mr. Saurabh and Mr. Sanjeev
Kumar, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Ms. Avshreya Pratap Singh, Ms.
Usha Jamnal, Ms. Nyasa
Sharma, Mr. Ankit, Mr.
Siddhant and Mr. Abhinav,
Advocates

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 30.05.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/452/2011.

2. The case of the appellants before the Tribunal was that on 11.08.2011, one *Sarju* (hereinafter referred to as the "deceased") was



travelling from New Town *Faridabad* to New *Delhi* by an EMU train after purchasing a valid journey ticket. It was stated that when the train reached near New Town *Faridabad* Railway Station at 8 KM 1505/26-28, the deceased fell from the moving train due to a heavy jerk and sustained fatal injuries, and subsequently succumbed to the same.

3. Learned counsel for the appellants assailed the impugned judgment by submitting that the deceased was a *bonafide* passenger and had been travelling on a valid journey ticket. It was submitted that the ticket was recovered from the person of the deceased and was duly taken into consideration in the documentary record. Learned counsel further submitted that the deceased had fallen from the moving train and, therefore, the incident squarely fell within the definition of an “untoward incident” under Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the “Act”). Reliance was placed on the judgment of the Supreme Court in “*Union of India v. Rina Devi*”¹.

4. Learned counsel for the respondent, on the other hand, submitted that the appellants had failed to establish that the deceased was travelling in an EMU train at the relevant time. It was submitted that the railway record did not support the version of the appellants and, rather, indicated that the deceased had been “run over” while on the railway track. It was further submitted that the relevant train timings recorded in the TSR establish that the version of the appellants regarding the deceased falling from an EMU train could not be accepted.

5. The Tribunal, on consideration of the material placed on record,

¹(2019) 3 SCC 572



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held that the appellants had failed to establish both the occurrence of an “untoward incident” and the *bona fide* passenger status of the deceased.

6. It is trite law that mere non-recovery of a ticket from an injured or deceased passenger cannot, by itself, be determinative of the question whether such person was a *bona fide* passenger, however, the initial burden of establishing *bona fide* passenger status lies upon the claimant and the same has to be considered on the attending circumstances of the case. {Ref: *Rina Devi* (supra)}.

Applying the aforesaid to the present factual matrix, the appellants rely upon the tickets bearing Nos. 79610136 and 79619137 and contend that the deceased had boarded an EMU train after purchasing the same. In this regard, the contemporaneous railway record assumes significance. The ticket is stated to have been purchased at about 10:20 a.m., whereas, the TSR records that the *Jabalpur-New Delhi* Express, Train No. 12192, passed through New Town *Faridabad* at 10:22 a.m. The next EMU, Train No. 64057, passed the station only at 11:29 a.m. More importantly, the Station Master had already reported the death to the police at about 10:35 a.m.

7. A perusal of the TSR entries, therefore, shows that the timing of the alleged fall from an EMU train does not fit with the railway record. The only train which had passed the station in the relevant period was Train No. 12192. However, the said train did not stop at New Town *Faridabad*. The Tribunal has also noticed that its arrival and departure entries were the same, showing that it had merely passed through the station. This is not a minor discrepancy in the evidence as it goes to the



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very basis of the appellants' case.

8. At this stage, it is apposite to note that the decision in Rina Devi (supra) does not assist the appellants in the facts of the present case. The principle laid down therein cannot be understood to mean that the production of a railway ticket, by itself, establishes that the deceased was travelling in the particular train from which he is alleged to have fallen. The claimant must first establish a credible foundation for the deceased's status as a *bona fide* passenger.

9. On an overall consideration of the evidence, this Court finds that the appellant has failed to establish the foundational requirement of being a *bonafide* passenger and, consequently, his claim for compensation cannot be sustained.

10. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

11. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 24, 2026

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