



2026:DHC:6731



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

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SURESH DEVI & ORS. Appellants
Through: Mr.D. Sabharwal, Advocate

UNION OF INDIA Respondent
Through: Mr. P.S. Singh, CGSC with
Mr. Annu Singh and Ms.
Shivangi Sharma, 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 30.03.2016 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/516/2011.

2. Briefly stated, the claim application came to be filed in the context of the death of one *Satya Pal* (hereinafter referred to as “the deceased”), who, on 28.08.2011, was travelling from *Nushratabad Kharkhari* to *Shahdara, Delhi* by Train No. 54058. It was averred that he was travelling on the strength of a valid journey ticket and at about 6:30 a.m., when the train reached near *Ashok Nagar* Crossing, due to heavy rush and a jerk in the compartment, he accidentally fell



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from the running train, suffered fatal injuries and died.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application holding, inter alia, that the deceased was not proved to be a *bonafide* passenger and that the incident was not an “untoward incident” as defined within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assails the impugned judgment by contending that the Tribunal failed to appreciate that the journey ticket was recovered from the deceased during the *jamatalashi* and that the said fact is also reflected in the DRM Report. It is further submitted that Sh. *Rishi Pal*, examined as AW-1, was an eyewitness to the deceased falling from the running train and his testimony was not duly considered by the Tribunal. It is also contended that the DRM Report itself contains the statement of *Rishi Pal* and, therefore, the conclusion drawn therein is contrary to the material forming part of the very same report.

5. Learned counsel for the respondent, on the other hand, supports the impugned judgment and contended that the journey ticket produced by the appellants was not stained with blood, despite the deceased having sustained fatal injuries, and that the police would ordinarily retain the original ticket as part of the inquest proceedings. It is further submitted that the contemporaneous police record records the incident as a case of run-over at *Ashok Nagar Crossing* and that the DRM inquiry, after examination of the relevant material, concluded that the deceased was hit while crossing the railway track.



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6. This Court has heard learned counsel for the parties and perused the material placed on record.

7. The primary question which arises for consideration is whether the deceased was a *bona fide* passenger at the time of the incident.

8. It is an admitted fact that a journey ticket bearing No. 68139 was recovered from the person of the deceased during *jamatalashi* and was thereafter handed over by the police to his wife Smt. *Suresh Devi* (AW-2) and its recovery from the deceased is also reflected in the DRM proceedings. Thus, the claim of the applicants regarding the deceased travelling with a valid journey ticket is supported by the contemporaneous record and is not based merely on the subsequent assertion of his family members.

9. The Tribunal has, however, discarded the said ticket on the ground that it did not bear any blood stains and, on that basis, concluded that the same was planted. This reasoning, in the opinion of this Court, is difficult to sustain. The absence of blood stains on the ticket does not establish that it was not recovered from the deceased. There is no material on record to show where the ticket was kept by the deceased or that it would necessarily have come into contact with the blood from his injuries. More importantly, the respondent's own record notices the recovery of ticket No. 68139 from the deceased. The Supreme Court in "*Union of India v. Rina Devi*"¹ has held that the initial burden to establish *bona fide* passenger status is not unduly onerous. In the present case, that

¹(2019) 3 SCC 572



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burden stands discharged not only by the evidence of the applicants but also by the recovery of the journey ticket itself.

10. The next question for consideration is whether the deceased died in an “untoward incident”. The Tribunal has principally proceeded on the basis of DD No.5PP and the DRM Report to hold that the deceased was hit and run over while crossing the railway track. The DD entry, however, only records the information received by the police that one person had been run over (“*kat gayahai*”) at *Ashok Nagar* Crossing. It does not record that the deceased was seen “crossing the railway track” or attempting any illegal act. The conclusion in the DRM Report, therefore, has to be examined in the light of the other material forming part of the record.

11. In this regard, the statement of eye witness *RishiPal/AW-1*) assumes significance. He categorically stated that at about 6:30 a.m., when the train was coming from the side of *Nushratabad Kharkhari*, he saw one person fell from the moving train. He further stated that when he reached the spot, the said person had already expired. His statement was also available during the DRM inquiry. Thus, while there is no statement of any loco pilot or any witness who states that he saw the deceased crossing the railway track, there is sufficient evidence of a person having fallen from the running train at the relevant time and place. The said circumstance could not have been brushed aside while accepting the contrary conclusion in the DRM Report.

12. There is no other cogent material produced by the respondent



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to establish the alternative conclusion that the deceased had entered upon the railway track and was run over while crossing it. The conclusion in the DRM Report, in the absence of such material, remains an inference and cannot displace the evidence of AW-1. In the facts of the present case, therefore, the deceased is held to have died in an “untoward incident” within the meaning of the Act.

13. In view of the above, 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 appellant 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 31.08.2026.

14. The appeal is allowed and disposed of in the above terms.

15. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 14, 2026

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