



2026:DHC:5620



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

% Reserved on : 10.07.2026
Pronounced on : 13.07.2026
Uploaded on : 14.07.2026

+ **FAO 39/2023**

SAVITRI

.....Appellant

Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Balendu Shekhar, CGSC for UOI
with Mr. Divyansh Singh Dev, Mr.
Krishna Chaitanya and Mr. Raj
Kumar Maurya, 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 assailing the judgment dated 12.10.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/430/2021, titled as “Smt. Savitri vs. Union of India”.

2. As per the case set up in the claim application, on 07.07.2018, one Sh. *Sughar Singh* (hereinafter referred to as the “deceased”) was travelling from *Shikohabad* to *Etawah* by *Tundla-Kanpur* Passenger Train on the strength of a valid second-class journey ticket. It is stated that when the train reached



near *Balrai* Railway Station, the deceased accidentally fell from the moving train on account of sudden jerk, sustained grievous injuries and succumbed to the same. It was further pleaded that the journey ticket was lost in the accident.

3. Vide the impugned judgment, the Tribunal dismissed the claim application. The Tribunal held that the appellant failed to establish that the deceased was a *bona fide* passenger or that his death had resulted from an “untoward incident” within the meaning of Sections 123(c) and 124A of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel appearing for the appellant submits that the Tribunal has erred in discarding the claim merely because the journey ticket could not be recovered. It is submitted that the deceased had purchased the ticket before commencing his journey and the same was lost in the course of the accident. Reliance is placed upon the testimony of the deceased’s nephew, *Sh.Rohit Kumar* (AW-2), who deposed that he had accompanied the deceased to the railway station and had witnessed the purchase of the ticket. It is further contended that the law is well settled that mere non-recovery of the journey ticket is not sufficient to negate the status of a *bona fide* passenger. Reliance is placed upon the decision of the Supreme Court in *Union of India v. Rina Devi*.¹

5. On the other hand, learned counsel for the respondent contended that the testimonies of *Smt. Savitri* (AW-1) and AW-2 suffer from material contradictions regarding the circumstances preceding the journey and the alleged purchase of the ticket. It is further submitted that no journey ticket was recovered from the deceased and the evidence placed is insufficient to

¹(2019) 3 SCC 572



establish *bona fide* travel. Learned counsel also places reliance upon the *Panchnama*, the post-mortem report and the DRM inquiry report to contend that the nature of injuries sustained by the deceased is not consistent with a case of accidental fall from a train. It is, therefore, submitted that the Tribunal rightly concluded that the present case does not fall within the ambit of an “untoward incident” under the Act.

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

7. The controversy in the present appeal essentially revolves around two questions. The first is whether the death of the deceased occurred in an “untoward incident” and the second, contingent upon the answer to the first, is whether the deceased has been shown to be a *bonafide* passenger at the time of the incident. These issues are, therefore, examined in the aforesaid sequence.

8. The first question that arises for consideration is whether the deceased has been established to be a *bona fide* passenger.

The Tribunal has held against the appellant principally on the ground that no journey ticket was recovered from the deceased and that the evidence led by the appellant suffers from material inconsistencies. In this regard, the Tribunal noticed that while AW-1, i.e., the wife of the deceased, deposed that the deceased had left home alone, AW-2, namely *Rohit Kumar*, stated that he had accompanied the deceased to the railway station and had witnessed the purchase of the journey ticket. According to the Tribunal, the aforesaid inconsistency rendered the appellant’s version unreliable and disentitled the deceased from being treated as a *bona fide* passenger. *Per contra*, the appellant submits that the journey ticket was lost in the course of



the accident and that the initial burden cast upon the claimant stood discharged by leading oral evidence and placing the attending circumstances on record.

9. A gainful reference in this regard may be made to the decision of the Supreme Court in Rina Devi (supra), wherein it was held that while dealing with the issue of proof of *bona fide* travel in a case where the journey ticket is not recovered, the Supreme Court held as under:

“We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that the deceased was a bona fide passenger for purposes of Section 124A but mere absence of ticket with such a body will not negative the claim that the deceased was a bona fide passenger.”

The Supreme Court further observed:

“The initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and the burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.”

10. In the present case, the inconsistency noticed by the Tribunal is confined to the question whether the deceased had left his residence alone or was accompanied by AW-2 to the railway station. In the considered opinion of this Court, the aforesaid inconsistency is not of such a nature as would discredit the appellant's case in its entirety, as it does not detract from the core of AW-2's testimony that he had witnessed the deceased purchasing the journey ticket. Significantly, the testimony of AW-2 could not be dislodged in cross-examination on any material aspect. Apart from relying upon the non-recovery of the journey ticket and the aforesaid inconsistency, the



respondent has not led any affirmative evidence to establish that the deceased was not travelling by the train in question. Mere non-recovery of the journey ticket, viewed in light of the law laid down in *Rina Devi* (supra), could not have been treated as determinative of the deceased's status as a bona fide passenger. The Tribunal, therefore, erred in holding otherwise.

11. Coming to the issue of “untoward incident”, the Tribunal has held against the appellants on the aforesaid issue by primarily relying upon the *Panchnama* wherein the *Panchas* opined the deceased's cause of death to be a case of run-over (*Train ki chapet me aayi choton ke karan*) indicated that the deceased had been run over by a train and not that he had accidentally fallen from a moving train.

12. This Court is, however, unable to sustain the aforesaid finding. The opinion recorded in the *Panchnama* and the conclusions drawn in the DRM inquiry report are essentially inferential in nature and cannot, by themselves, conclusively determine the manner in which the incident occurred. Likewise, although the post-mortem report records multiple crush injuries on the body of the deceased, no medical opinion has been brought on record to establish that such injuries could not have been sustained in an accidental fall from a moving train. The Tribunal has proceeded on its own assumption that the injuries necessarily indicate a run-over case, without there being any expert evidence to that effect. Significantly, the respondent has neither examined the Loco Pilot, Guard or any railway official connected with the movement of the train, nor produced any eyewitness to establish that the deceased was run over while trespassing on the railway track or had committed suicide.

It is also noteworthy that the deceased was found mid-section between



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Balrai and *Bhadan* Railway Stations, i.e., approximately 31 kilometres from the originating station at *Shikohabad* and about 25 kilometres short of his destination at *Etawah* which lends support to the appellant's case that the incident occurred during the course of the journey.

13. In the absence of any cogent evidence to show that the deceased died otherwise than in an untoward incident, the Tribunal was not justified in rejecting the claim on the basis of inferences drawn from the *Panchnama*, the medical evidence and the DRM inquiry report. The finding returned by the Tribunal on the issue of “untoward incident”, therefore, cannot be sustained.

14. 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 27.07.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

JULY 13, 2026

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