



2026:DHC:7150



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

% Reserved on : 12.08.2026
Pronounced on : 24.08.2026
Uploaded on : 24.08.2026

+ **FAO 92/2024**

PUSHPA DEVI & ORS. Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIA Respondent
Through: Mr. Sushil Raja, SPC for UOI.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 16337/2024 (Seeking condonation of delay of 70 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 70 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 70 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

FAO 92/2024

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 18.10.2023 passed by the Railway Claims Tribunal, Principal Bench,



2026:DHC:7150



Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/ DLI/96/2022.

2. Briefly stated, the claim application came to be filed in the context of the death of one Sh. *Suresh Kumar* (hereinafter referred to as the “deceased”), who on 30.03.2022, was travelling from *Muzaffarnagar* towards *Saharanpur* by an Express train after purchasing a valid journey ticket. It was averred that while the train was passing between *Muzaffarnagar* and *Bamanheri* Railway Stations, due to heavy rush and push and pull of passengers, the deceased accidentally fell from the running train and sustained fatal injuries.

3. Learned counsel for the appellants contends that the deceased had left for *Muzaffarnagar* Railway Station in the intervening night of 29/30.03.2022 and that his brother *Narendra Kumar/AW-2* had accompanied him to the Railway Station at about 2:00 a.m. It is further submitted that the non-recovery of the ticket cannot, by itself, lead to the conclusion that the deceased was not a *bona fide* passenger. Reliance is placed upon the decisions of the Supreme Court in “*Union of India v. Rina Devi*”¹.

4. On the contrary, learned counsel for the respondent contends that no journey ticket was recovered from the deceased and neither of the appellants’ witnesses had witnessed the deceased boarding the train or falling from it. It is further submitted that the body was found in two parts and that the location and condition of the body do not support the case of an accidental fall from a running train.

¹ (2019) 3 SCC 572



5. It is not in dispute that no journey ticket was recovered from the deceased during the *jamatalashi*. The absence of a recovered ticket, however, cannot be considered in isolation. It is well settled that mere absence of a ticket with the deceased does not, by itself, negative the claim that he was a *bona fide* passenger. The initial burden upon the claimant is not an unduly onerous one and may be discharged on the basis of the relevant facts and attending circumstances, whereafter the burden shifts upon the Railway Administration to rebut the same by cogent evidence. {Ref: *Rina Devi* (supra)} The same principle has also been reiterated in the recent decision in “*Lata v. Union of India*”².

Applying the aforesaid to the present case, there is direct evidence on record regarding purchase of the journey ticket. *Narendra Kumar/AW-2*, who had accompanied the deceased to the *Muzaffarnagar* Railway Station, has specifically stated in his affidavit that the deceased purchased, in his presence, a railway ticket from *Muzaffarnagar* Railway Station to *Saharanpur* Railway Station and kept the same with him. Thus, this is not a case where the claim of purchase of the ticket rests merely on an assertion subsequently made by a family member. The witness who accompanied the deceased to the Railway Station has specifically spoken about the purchase of the ticket in his presence.

6. There is also no evidence led by the respondent to establish that the deceased was travelling without authority or was otherwise not travelling as a passenger. Thus, in the peculiar facts of the present case, the initial burden resting upon the appellants stands discharged.

²2026 SCC OnLine SC 1350



2026:DHC:7150



7. Coming next to the issue of whether the incident fell within the ambit of an “untoward incident”. On 30.03.2022 at about 06:40 a.m., the loco pilot of goods train TWS-DDL, namely *Ajay Pal*, informed the Station Master, *Bamanheri*, that a dead body was lying at Km. 125/31-29 between *Muzaffarnagar* and *Bamanheri*. His statement is confined to having noticed the dead body and informing the Station Master. Likewise, the statement of one *Shailendra Agarwal*, the loco pilot of the other goods train, SFDE-CVCB, is to the effect that no “untoward incident” had occurred with his train during the relevant movement. Thus, neither statement establishes the manner in which the deceased came to be on the railway track.

8. The DRM report also does not record a finding that the deceased was seen “crossing the railway track”, nor does it identify the train which caused the fatal injuries. The Railway has also not produced an eyewitness or other cogent evidence showing that the deceased was “crossing the track” or was otherwise “unauthorisedly present” there. The mere fact that the exact train involved could not be identified, or that the deceased was found in two parts, cannot by itself bring the case within one of the statutory exceptions to Section 124-A of the Railways Act, 1989.

9. Considering that the respondent has failed to establish any of the statutory exceptions to its liability, this Court is of the view that the deceased was a *bona fide* passenger and that his death is required to be treated as having occurred in an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act.



2026:DHC:7150



10. Therefore, 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 16.09.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 24, 2026
na