



2026:DHC:5809



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

% Reserved on : 13.07.2026
Pronounced on : 21.07.2026
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+ **FAO 197/2026**

SURENDRA PRASAD & ANR. Appellants
Through: Mr. Kshitiz Jain, Mr. Rohan Chandra
and Ms. Ananya Mago, Advocates

versus

UNION OF INDIA Respondent
Through: Ms. Arunima Dwivedi, CGSC for
UOI with Mr. Akhil Mittal, SPC, Ms.
Shayna Das Pattanayak, Ms. Riddhi
Jain, Ms. Himanshi Singh and Ms.
Monalisha Pradhan, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 43250/2026 (seeking condonation of delay of 715 days in filing the present appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 715 days in filing the present appeal.
2. Learned counsel for the appellant submits that after the passing of the judgment/order dated 25.01.2024 (hereinafter referred to as the "impugned judgment"), the appellant could not file the present appeal within the prescribed period of limitation. He submits that the appellant did not receive a copy of the impugned judgment and came to know about the dismissal of



the claim application only in January, 2025 upon contacting his counsel. Thereafter, owing to his advanced age, lack of any source of income, and the need to arrange the expenses for filing the appeal, the matter could not be pursued immediately.

It is further submitted that after the necessary documents were arranged and the appeal was prepared, the filing was further delayed as the learned counsel for the appellant was occupied with the Bar Council elections.

3. It is noteworthy that in *Mohsina vs. Union of India*¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant.

4. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

5. Accordingly, the application is allowed and the delay of 715 days in filing the present appeal is condoned.

6. The application is disposed of in the above terms.

CM APPL. 43251/2026 (seeking condonation of delay of 66 days in re-filing the present appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 66 days in re-filing the present appeal.

2. For reasons stated in the application, the application is allowed and disposed of in the above terms.

¹(2017) SCC OnLine Del 10003

**FAO 197/2026 and CM APPL. 43249/2026**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 25.01.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/DLI/120/2022.
2. The brief facts, as per the case set up by the appellants before the Tribunal, are that on 24.11.2013, one Sh. *Rajendra Kumar* (hereinafter referred to as the “deceased”), after having purchased a second class journey ticket, bearing No. 66628033, boarded *Kaifiyat Express* from *Delhi* for going to *Akbarpur*. During the course of the said journey, while the train was approaching *Ayodhya* Railway Station, the deceased accidentally fell down from the train and sustained grievous injuries and was taken to the hospital for his treatment. However, on his way to the hospital, he succumbed to his injuries.
3. Learned counsel for the appellants contends that the Tribunal has erred in dismissing the claim by adopting an unduly approach while considering the claim. He submits that the appellants had discharged the initial burden by placing on record the journey ticket bearing No. 66628033 as well as examining AW-2, Smt. *Sona Devi*, who categorically deposed that the deceased had purchased the said ticket in her presence and was travelling along with her.

It is further submitted that the Tribunal discarded the testimony of AW-2 merely because her name was not mentioned in the claim application, although her testimony remained otherwise consistent. It is, therefore, submitted that the findings returned by the Tribunal on both the issues are contrary to the evidence on record.



4. Learned counsel appearing for the respondent, on the other hand, supports the impugned judgment and submits that the appellants failed to establish that the deceased was a *bona fide* passenger or that his death had occurred in an “untoward incident”. It is submitted that no journey ticket was recovered at the first instance, furthermore, no inquest proceedings or post-mortem examination were conducted and the alleged incident was never reported to the railway authorities at the relevant time. It is, therefore, contended that the Tribunal rightly declined the claim for compensation.

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

6. The Tribunal has principally dismissed the claim on two grounds, namely, that the deceased was not proved to be a *bona fide* passenger and that his death was not shown to have resulted from an “untoward incident”.

7. Insofar as the question of the deceased being a *bonafide* passenger is concerned, the Tribunal appears to have proceeded principally on the ground that the journey ticket was not recovered initially. Such an approach is contrary to the law laid down by the Supreme Court in “Union of India v. Rina Devi”², wherein it has been held that mere non-recovery of a journey ticket is not by itself sufficient to deny the status of a *bona fide* passenger. The Supreme Court has further held that the initial burden upon the claimant stands discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways to establish otherwise.

8. In the present case, the appellants relied upon journey ticket No. 66628033, which was placed on record before the Tribunal. Apart there

²(2019) 3 SCC 572



from, AW-2, Smt. *Sona Devi*, who claims to have travelled with the deceased, specifically deposed in her affidavit that the deceased had purchased the said journey ticket in her presence before boarding the train. Merely because her name was not mentioned in the claim application could not have been a sufficient reason to discard her testimony altogether, particularly when no affirmative evidence was led by the respondent to establish that the deceased was not travelling by the train in question. The Tribunal, therefore, was not justified in rejecting the appellants' case solely on account of the non-recovery of the journey ticket initially, even though it was subsequently placed on record.

9. Secondly, on the issue of the accident being within the ambit of "untoward incident", the finding returned by the Tribunal is equally unsustainable. The Tribunal has substantially rested its conclusion on the absence of an inquest report, post-mortem examination and timely investigation by the railway authorities. While the absence of such material may require the Court to scrutinise the evidence with greater care, the same cannot, by itself, become a ground to non-suit the claimants. The consequences of a delayed or incomplete investigation cannot be visited upon the dependants of the deceased, particularly when they had no control over the manner in which the incident came to be investigated.

10. The record would show that it is not even the respondent's case that the deceased died due to suicide, self-inflicted injury, criminal act or any other circumstance falling within the exceptions contained in the proviso to Section 124A of the Railways Act, 1989 (hereinafter referred to as the "deceased"). On the contrary, the appellants had placed reliance upon the public *panchnama* and the General Diary entry of GRP *Ayodhya* to support



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their case that the deceased had sustained fatal injuries after falling from the train.

Once the factum of the accident resulting in the death of the deceased stands borne out from the material available on record, the mere absence of a formal inquest or post-mortem could not have been treated as conclusive to deny statutory compensation.

11. It is well settled that the provisions of Sections 123(c) and 124A of the Act are part of a beneficial legislation and are required to be construed liberally so as to advance the object of the statute rather than defeat it. The claimants cannot be denied statutory compensation merely because the investigation was not in the manner expected or procedural formalities were not undertaken, particularly when such lapses were beyond their control.

12. In view of the above, the appeal is allowed and 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 28.07.2026.

13. The appeal, alongwith the pending application, is disposed of in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

JULY 21, 2026

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