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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010321172021
+ **FAO 236/2021**
LEENA KUMARI & ANR. Appellants
Through: Mr.Ritik Singh, Advocate

versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Vikram Nilesh Goyal and
Mr.Inderpreet Singh, Advocates for UOI
Mr.Pramod Kumar Singh, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
31.08.2026

The matter is taken up today as the date of 27.08.2026 was declared a holiday vide Notification No.85/G-4/Genl.I/DHC dated 21.08.2026.

1. The present appeal filed under Section 23 of the Railway Act, 1989 arises against the judgment dated 12.03.2021 passed by the Railway Claims Tribunal, Principal Bench, Delhi in OA/II(u)/DLI/16/2020 whereby the claim application filed by the appellants in the context of death of one Sh. *Tarun Kumar* (hereinafter referred to as the '*deceased*') came to be dismissed.
2. The claim application was filed with the averments that the deceased had undertaken journey on 01.03.2017 from *Faridabad* to *Mathura* and *Bharatpur* and died as a result of a train accident. The learned Tribunal, while considering the claim application as well as evidence brought on record including the DRM report, came to the conclusion that since the



journey ticket having not been recovered, the deceased was not a *bona fide* passenger. It was further held that death of the deceased did not qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

3. Learned counsel for the appellants, while assailing the impugned judgment, contends that the learned Tribunal erred in reaching the aforesaid conclusion as the evidence of the claimants/*Smt. Leena Kumar* (wife of the deceased) was not appreciated in its entirety. It was also contended that the fall from the train is noted, not only, in the death report but also in the first information given to the SHO, GRP on date of the incident i.e., 01.03.2017 at 11:50 hours.

4. Learned counsel for the respondent, on the other hand, while seeking dismissal of the appeal submits that the body was discovered at the platform and further that the statement of the claimant falls short of stating that the deceased had undertaken the travel after purchasing a valid journey ticket. The Tribunal has further noted the contradictions in the statement of claims and the affidavit of evidence.

5. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a *bona fide* passenger and whether the injuries sustained by the deceased were on account of an “untoward incident” as defined under the Act.

5. Insofar as the issue of *bona fide* travel is concerned, after hearing the learned counsel for the parties as well as going through the TCR, this Court notes that though the claimant, who was examined before the Tribunal as AW-1, has not stated in her examination-in-chief that the journey was undertaken by the deceased after purchasing a valid journey ticket, in her



cross-examination, on a suggestion being put, it was categorically stated that the deceased has never undertaken travel without a valid journey ticket.

6. The import of decisions in “Union of India v. Rina Devi”¹ and “Lata vs. Union of India”² would show that once it is stated on behalf of the claimant that the journey was undertaken after purchasing a valid journey ticket, the initial burden cast on the claimant is met and thereafter needs to be discharged by the respondent. In the present case, though in the examination-in-chief the said statement has not come, however, a reading of the entire evidence would show that the requirement of Section 124(c) of the Act is met.

7. The Tribunal found the statement of CW/Sh. *Mohd. Zamil* as reliable and concluded that the deceased had gone only to see off his mother-in-law and was, therefore, could not have been a *bona fide* passenger. That finding cannot stand against the clear deposition of AW-1/Smt. *Leena Kumar* stating that her husband never travelled without a ticket and was journeying from Faridabad to Mathura and onward to Bharatpur. Where the court witness and the claimant are at variance on the purpose of the journey, the resulting doubt must, in view of the beneficial nature of the Railway Claims Tribunal Act, be resolved in favour of the applicant.

8. Coming to the second issue at hand; whether the deceased died in an “untoward incident” within the meaning of the Act, a careful consideration of the record shows that the first information sent by the State Master to SHO, GRP, *Faridabad*, refers to the incident as a fall from *Taj Express*. The said information also states that the injured has been admitted in the

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



hospital. The death report, the site map as well as the statement of Guard, Sh. *Baldev Singh*, also reflects that the deceased had suffered fatal injury on account of fall from train. Furthermore, the DRM report also records that the deceased suffered the fatal injuries on account of falling from a train.

9. In view of the foregoing discussion and considering the peculiar facts and circumstances of the present case, the deceased is held to have been a *bona fide* passenger and the occurrence is held to fall within the ambit of an “untoward incident” within the meaning of the Act.

10. Accordingly, 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 18.09.2026.

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

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

MANOJ KUMAR OHRI, J

AUGUST 31, 2026

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