



2026:DHC:7022



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

% Reserved on : 10.08.2026
Pronounced on : 21.08.2026
Uploaded on : 21.08.2026

+ **FAO 158/2025**

MOHAMMAD AZAM Appellant

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

versus

UNION OF INDIA Respondent

Through: Mr. Abhishek Khanna, SPC for
UI

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 35061/2025 (seeking condonation of delay of 110 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 110 days in filing the appeal.
2. Learned counsel for the appellant submits that the delay was occasioned due to the earlier appeal being withdrawn on account of inadvertent incorporation of facts pertaining to another appeal, coupled with paucity of funds and legal advice. The delay is *bona fide* and unintentional.
3. In view of the aforesaid, the application is allowed and the delay of 110 days in filing the appeal is condoned.
4. The application is disposed of accordingly.

FAO 158/2025

1. The present appeal has been filed under Section 23 of the



2026:DHC:7022



Railway Claims Tribunal Act, 1987 against the impugned judgment dated 07.05.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in Claim Application No. OA II(u)/DLI/48/2023.

2. The case of the appellant before the Tribunal was that on 18.01.2022, he was travelling from *Azadpur* Railway Station to *Sadar Bazar* Railway Station by a local train on the strength of a valid journey ticket. It has been averred that during the course of the aforesaid travel, while the train stopped at *Sabzi Mandi* Station, he alighted from the train to use the restroom and while he was attempting to reboard, due to a sudden jerk, he suddenly fell from the train. As a result, both his legs came under the train and had to be amputated.

3. Learned counsel for the appellant assailed the impugned judgment contending that the appellant had purchased a valid journey ticket which was lost in the accident. It was submitted that merely because the ticket was not recovered from the appellant, he could not be denied the status of a *bonafide* passenger. Reliance was placed upon the decision of the Supreme Court in *Union of India v. Rina Devi*¹. It was further submitted that the appellant’s brother *Sohil* (AW-2) had stated that the railway police had handed over to him a photocopy of a railway ticket, which he had thereafter supplied to the counsel under the belief that it belonged to the appellant.

4. *Per contra*, learned counsel for the respondent submitted that the appellant had failed to establish his status as a *bona fide* passenger.

¹(2019) 3 SCC 572



2026:DHC:7022



It was submitted that no railway ticket was recovered from the appellant and that the ticket subsequently relied upon by him was issued at 09:02 a.m., whereas the incident had taken place at about 08:07 a.m. It was thus submitted that the ticket relied upon by the appellant could not have been the ticket on which he had travelled.

5. The Tribunal observed that the injuries suffered by the appellant were consistent with an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”), and the same is not being disturbed in the present appeal. The claim was, however, dismissed on the ground that the appellant had not been proved to be a *bona fide* passenger, and the adjudication of the appeal is confined only to the examination of the *bona fide* status of the appellant.

6. It is trite law that mere non-recovery of a ticket from an injured or deceased passenger cannot, by itself, be determinative of the question whether such person was a *bona fide* passenger, however, the initial burden of establishing *bona fide* passenger status lies upon the claimant and the same has to be considered on the attending circumstances of the case. {Ref: Rina Devi (supra)}.

Applying the aforesaid to the present factual matrix, the appellant has stated in his evidence affidavit that he had purchased a passenger ticket of Rs.30/- from Azadpur Railway Station to Sadar Bazar Railway Station before commencing the journey. The appellant’s case is that he purchased the ticket before the journey but was lost in the accident. Additionally, the DRM report records that the incident took place at about 08:07 a.m. on 18.01.2022 at Sabzi Mandi Railway Station. It further records that the ticket relied upon by the



2026:DHC:7022



appellant, bearing No. UTS11W3D54020, for the journey from *Delhi Azadpur* to *Sadar Bazar*, was issued at 09:02 a.m. on the same day, i.e., nearly 55 minutes after the occurrence of the incident. Accordingly, in the considered opinion of this Court, the appellant has failed to discharge the initial burden.

7. The evidence of the appellant's brother *Sohil*(AW-2), rightly discarded by the Tribunal, also does not support the appellant's version as he reached the spot only after the incident and admittedly did not witness the appellant being searched. The issue is not merely that the ticket was not recovered from the appellant, rather it comes down to a significant fact that the ticket relied upon by him was demonstrably issued after the incident.

8. On an overall consideration of the evidence, this Court finds that the appellant has failed to establish the foundational requirement of being a *bonafide* passenger and, consequently, his claim for compensation cannot be sustained.

9. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

10. Accordingly, the present appeal is dismissed.

11. The appeal is accordingly disposed of.

MANOJ KUMAR OHRI
(JUDGE)

AUGUST 21, 2026/sn