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

+ **FAO 176/2025**

**ASAMA & ORS.**

.....Appellants

Through: Mr. RajanSood, Ms. Ashima Sood,  
Ms. MeghaSood, Advocates

versus

**UNION OF INDIA**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**22.07.2026**

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 07.01.2025 (hereinafter referred to as the “impugned judgment”) passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in Claim Application No. OA/II(u)/ DLI/260/2024.

2. The claim application was instituted by the wife, daughter and two minor sons of one Sh. Balram Nath (hereinafter referred to as the “deceased”), seeking compensation under the Railways Act, 1989 (hereinafter referred to as the “Act”).

It was their case that on 11.02.2024, the deceased undertook a journey from *Agra Cantt.* Railway Station to *Pune* after purchasing a valid journey ticket and after boarding the train, the deceased informed his wife over telephone that he had purchased the ticket and boarded an express train. It was further alleged that due to heavy rush inside the compartment, he was standing near



the gate of the coach and, upon the train reaching near *Khari Nadi*, he accidentally fell from the running train, resulting in fatal injuries. It was also pleaded that the journey ticket was lost in the course of the incident.

3. Upon appreciation of the oral as well as documentary evidence, the Tribunal found that the appellants had failed to establish that the deceased was travelling as a *bona fide* passenger or that his death had occurred on account of an “untoward incident” while travelling by train. Consequently, the claim application came to be dismissed by way of the impugned judgment.

4. Learned counsel appearing for the appellants submits that the testimony of Smt. *Asama*, wife of the deceased (AW-1), clearly establishes that the deceased had informed her over telephone that he had purchased a ticket and boarded the train. It is further submitted that the Tribunal has attached undue importance to the non-recovery of the journey ticket, although it is well settled that mere absence of a ticket cannot by itself defeat a claim under Section 124-A of the Act. Reliance is placed upon the decision of the Supreme Court in *Union of India v. Rina Devi*<sup>1</sup> in support of the said contention.

5. Learned counsel appearing for the respondent, on the other hand, submits that the Tribunal has not rejected the claim merely because the ticket was not recovered, rather, the Tribunal has examined the entire evidence and found that the version put forth by the appellants was not supported by the railway record. It is further submitted that the findings recorded by the Tribunal are based on appreciation of the evidence and do not warrant interference in the present appeal.

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<sup>1</sup>(2019) 3 SCC 572



6. This Court has heard the learned counsels for the parties and carefully perused the record.

7. As rightly pointed out, the controversy in the present appeal does not merely revolve around non-recovery of the journey ticket. The Tribunal has rejected the claim after examining the entire chain of circumstances and finding that the version put forth by the appellants does not inspire confidence. This Court finds no reason to take a different view.

8. The specific case pleaded by the appellants, both in the claim application as well as in the affidavit of AW-1, was that the deceased had purchased a ticket at *Agra Cantt.* Railway Station and, at about 8:30 a.m., informed his wife over telephone that he had already boarded an express train for *Pune*. This remained the consistent stand of the appellants throughout the evidence.

9. The difficulty, however, arises from the railway record itself. The Tribunal examined the Train Signal Register and found that no direct train for *Pune* had departed from *Agra Cantt.* at or around the time when, according to the appellants themselves, the deceased had already boarded the train. Once this discrepancy surfaced, an attempt was made during arguments before the Tribunal to contend that the deceased might have travelled by another train up to *Manmad* and thereafter boarded a connecting train for *Pune*. The Tribunal was justified in rejecting this explanation. The case pleaded before the Tribunal was not that the deceased intended to undertake a break journey or travel through an alternative route. The entire claim proceeded on the basis that he had boarded an express train from *Agra* to *Pune*. The appellants cannot be permitted to improve their case at the



stage of final arguments by introducing an altogether different factual foundation.

10. In addition to the aforesaid, there are other circumstances which also support the conclusion reached by the Tribunal. During the *jamatalashi*, the Aadhaar Card and cash were recovered from the person of the deceased, but no journey ticket was found. Standing alone, this circumstance may not have been sufficient to reject the claim, however, it assumes significance when read with the other material available on record.

11. The investigation did not reveal any eyewitness who had seen the deceased falling from a train and no report was made by any loco pilot or guard regarding such an incident. However, the most material circumstance is the visual observation of Sh.*Mool Chand*, S.I./RPF in Form-I prepared under the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020 records that the dead body was found “hanging beneath the railway bridge”. The final DRM investigation also records that the deceased was not found to be a railway passenger and that the investigation could not establish that the occurrence had taken place due to an accidental fall from a passenger train.

12. Learned counsel for the appellants placed reliance on the decision of the Supreme Court in *Rina Devi* (supra) to contend that non-recovery of the ticket cannot defeat the claim. There can be no quarrel with the said proposition. However, the Tribunal has not dismissed the claim merely because the ticket was not recovered. The claim has failed because the appellants have not been able to establish the basic version on which the claim itself rests. The surrounding circumstances noticed above do not support the plea that the deceased was travelling as a *bona fide* passenger or



that his death resulted from an accidental fall from a passenger train. The ratio of *Rina Devi*, therefore, does not advance the case of the appellants.

13. The findings recorded by the Tribunal are based on the evidence on record and this Court does not find any infirmity in the conclusion that the appellants failed to establish that the deceased was a *bona fide* passenger or that the incident in question was an “untoward incident” within the meaning of Sections 123(c) and 124-A of the Act.

14. Therefore, 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.

15. Accordingly, the present appeal is dismissed.

**MANOJ KUMAR OHRI, J**

**JULY 22, 2026/kk**