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

CNR No. DLHC010417302014

+ **FAO 24/2015**

MRS PUSHPA DEVI AND ORS

.....Appellants

Through: Mr. Anshuman Bal and Mr. Abhinav
Sharma, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Tanveer Ahmed Ansari, SPC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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17.08.2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 29.11.2013 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/75/2011, whereby the claim application filed by the appellants seeking compensation on account of the death of one *Ram Kirpal Sharma @ Krishan Pal Sharma* (hereinafter referred to as the "deceased") came to be dismissed.
2. The case of the appellants before the Tribunal was that on 18.12.2010, the deceased, aged about 50 years, was travelling from *Delhi Shahadra* to *Garhmukteshwar*, on the strength of a valid journey ticket, by a passenger train. It was pleaded that on account of heavy rush and a sudden jerk, while the deceased was standing near the gate of the compartment, he fell from the



running train near *Garhmukteshwar* Railway Station and sustained fatal injuries.

3. It is not in dispute that the original claim application contained an incorrect description of the journey, wherein the deceased was stated to have been travelling by *Kashi Vishwanath* Express from *New Delhi* to *Lucknow* and the journey ticket was stated to be unrecovered. The appellants subsequently amended their case and stated that the deceased was travelling from *Delhi Shahdara* to *Garhmukteshwar*.

4. The Tribunal discarded the claim principally on the ground that no one had witnessed the deceased falling from a train, and that his body was found about 20 feet away from the track. The Tribunal further doubted the identity of the deceased and the claimants and consequently dismissed the claim.

5. Learned counsel for the appellants submits that the Tribunal failed to appreciate the most material circumstance emerging from the record, namely, that is, the recovery of the journey ticket from the deceased himself. It is further submitted that the absence of an eyewitness to the fall and the distance at which the body was found could not, in the absence of any cogent evidence establishing an alternative cause of death, be made the basis for rejecting the claim.

6. Learned counsel for the respondent refutes the aforesaid submission and submits that the subsequent version regarding the deceased's journey was an improvement and that the circumstances in which the body was found render the alleged fall from the train doubtful.

7. It is well settled that mere absence of recovery of a ticket from the deceased does not, by itself, negative the claim of *bona fide* travel. The



initial burden upon the claimant can be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways (Ref: “Union of India v. Rina Devi¹”). This principle has recently been reiterated in “Lata v. Union of India²”.

Applying the aforesaid principle to the present factual matrix, the appellants, through the affidavit of AW-1/*Pushpa Devi* (the deceased’s wife), placed on record the material facts regarding the deceased’s journey and the circumstances of his death, thereby discharging the initial burden. Secondly, the police record, prepared contemporaneously with the occurrence, records recovery of a journey ticket from the deceased for travel from *Delhi Shahdara* to *Garhmukteshwar*. The discrepancy in the original claim application regarding the train and destination cannot be ignored, however, once the claim was amended, the amended case had to be considered in conjunction with the evidence and the contemporaneous record.

8. Coming next to the manner of occurrence, the contemporaneous material on record establishes that the deceased was found dead in the vicinity of the railway track at *Garhmukteshwar*. The Station Master’s record states that the body was first noticed by the driver of Train No.5609 near the up Home Signal, thereafter, the police thereafter took charge of the body and conducted the requisite proceedings. There is admittedly no eyewitness to the actual fall. However, the absence of an eyewitness does not, in the facts of the present case, establish that no such fall occurred. What is required to be considered is whether the circumstances on record

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



render the appellants' version improbable or whether the Railways have produced cogent material demonstrating that the death occurred in some other manner and upon careful consideration, no such material has been brought on record.

9. Further, the Tribunal's reasoning that recovery of the body was approximately 20 meters away from UP track renders an accidental fall "impossible" is not supported by any cogent evidence as the mere location of the body away from the track on which the deceased was travelling cannot conclusively negate the occurrence of an accidental fall, particularly in view of the nature of injuries sustained by the deceased. In this regard, reliance is placed on the decision in "Union of India v. Leela Devi"³.

In the facts of the present case, the contemporaneous recovery of the journey ticket, the deceased having been found dead in the vicinity of the railway track, the absence of any cogent evidence establishing an alternative cause of death, and the absence of any material bringing the case within the statutory exceptions, cumulatively establish, on a preponderance of probabilities, this Court is of the opinion that the deceased, at the time of the incident, was a *bona fide* passenger, who died as a result of an "untoward incident" within the meaning of the Act.

10. As regards the identity of the appellants and their relationship with the deceased, the record does contain documents relied upon by them, however, the Tribunal had noticed discrepancies concerning the names and addresses appearing in the documents.

11. Accordingly, the appeal is allowed and the matter is remanded to the Tribunal, which is requested to verify the identity of the



claimants/dependants who have preferred the claim application and their relationship with the deceased, on the basis of the documents already on record and such additional documents as may be produced by them. Upon such verification, the Tribunal shall proceed to determine and disburse the compensation in accordance with law.

12. For this purpose, the matter be listed before the Tribunal at the first instance on 07.09.2026.

13. The appeal is disposed of in the above terms.

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

MANOJ KUMAR OHRI, J

AUGUST 17, 2026/RW

³ 2014 SCC OnLine Del 1440