



2026:DHC:7320



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

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CNR No. DLHC010462042019

+ **FAO 467/2019**

RAJA RAM

.....Appellant

Through: Mr. Yogesh Swaroop and
Ms. Shivangi Singh, Advocates

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Mr. Jagdish Chandra, CGSC
alongwith Ms. M. Saxena,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 50913/2019 (seeking condonation of delay of 210 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 210 days in filing the appeal.
2. Learned counsel for the appellant submitted that the appellant is the only earning member of the family and belongs to an economically weaker section and, due to paucity of funds as well as for the reason that his counsel met with an accident, was unable to get in contact with a new counsel and obtain timely legal advice.



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3. The delay is neither wilful nor deliberate, but occasioned by the aforesaid *bona fide* circumstances.
4. 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. Similarly, in “*Reshma vs. Union of India*”², this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.
5. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, 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.
6. In view of the aforesaid, the application is allowed and the delay of 210 days in filing the appeal is condoned.
7. The application is disposed of accordingly.

FAO 467/2019

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 23.01.2019 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in O.A. No. OA(IIu)/203/2017.
2. The facts in a nutshell are that on 07.06.2017, one *Mintu*

¹(2017) SCC OnLine Del 10003

² FAO 25/2022



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(hereinafter referred to as the “deceased”) was travelling from *Gorakhpur* to New *Delhi* by an Express train on the strength of a valid journey ticket No.95389252. It was pleaded that there was heavy rush in the train and, consequently, the deceased was standing near the door of the compartment and when the train was running near *Tundla* Railway Station, it allegedly gave a sudden jerk and, on account of the consequent push/thrust of the co-passengers inside the overcrowded compartment, the deceased lost his balance and fell from the running train.

3. Learned counsel for the appellant submits that the Tribunal failed to appreciate that journey ticket was placed on record and that its particulars were subsequently verified by the Railway authorities. It is submitted that the appellant’s case regarding recovery of the ticket was supported by the *panchnama*, which specifically records the purse containing Rs.110/- and the journey ticket. Learned counsel submits that the discrepancy between the copy of the *panchnama* filed by the appellant and the copy annexed with the DRM Report could not, by itself, lead to the conclusion that the ticket had been subsequently introduced. It is further submitted that the Investigating Officer, SI *Ram Veer Singh*, was examined as RW-1 only because the Tribunal itself considered the discrepancy necessary to be clarified. It is also submitted that there was no independent eyewitness produced by the Railways to establish any alternative manner of occurrence. Reliance is placed on the principles laid down by the Supreme Court in “*Union*



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of India v. Rina Devi”³ and “Lata v. Union of India”⁴.

4. Learned counsel for the respondent, on the other hand, submitted that the contemporaneous *panchnama* records recovery of only a purse containing the Voter Identity Card and a paper slip bearing a mobile number in its detailed narration. It is pointed out that the copy of the same annexed with the DRM Report does not mention the ticket in the list of enclosures, whereas the copy filed by the appellant contains such reference. It is further submitted that RW-1 admitted that his final report submitted to the SSP did not mention recovery of the ticket and that his explanation regarding incorrect placement of carbon did not explain the other discrepancies.

5. Coming first to the question whether the deceased was a *bona fide* passenger, the appellant relies upon journey ticket bearing No.95389252 for the journey from *Gorakhpur* to *New Delhi*. The Tribunal, however, declined to accept the ticket principally on account of the discrepancy between the two copies of the *panchnama*. The copy filed by the appellant contains a reference to the ticket in the portion relating to the articles recovered, whereas the copy accompanying the DRM Report does not contain the ticket in its list of enclosures.

6. In this regard, the Tribunal summoned SI *Ram Veer Singh*/RW-1, the Investigating Officer, along with the original case record. When questioned regarding the absence of the ticket from the copy of the *panchnama* accompanying the DRM Report, he stated that while

³(2019) 3 SCC 572

⁴2026 SCC OnLine SC 1350



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preparing a photocopy from a duplicate record, the portion containing the ticket might not have been reproduced due to incorrect placement of the carbon. He further stated that the omission of the ticket from the main description of the articles recovered might have been a mistake.

7. At this stage, it is apposite to note the decision of the Supreme Court in {Rina Devi (supra)} wherein it was held that the initial burden of establishing that the deceased was a *bona fide* passenger lies upon the claimant and that the same can be discharged by placing the relevant facts and circumstances on record. The Supreme Court has recently reiterated the same principle in {Lata(supra)}.

8. The present case stands on a somewhat stronger footing than a case based merely upon an assertion that the deceased had purchased a ticket. Here, along with the appellant's statement regarding information received from the deceased about purchasing of the journey ticket, a valid ticket bearing No.95389252 was produced, its particulars were subjected to verification by the Railway authorities, and one version of the contemporaneous *panchnama* specifically contains the reference to the ticket amongst the articles recovered. The discrepancy in the copies of the *panchnama* and the omission of the ticket from the Investigating Officer's final report undoubtedly constitute circumstances requiring consideration, but they do not, in the facts of the present case, establish that the ticket was forged or that it was unrelated to the deceased.

9. The Tribunal was required to assess the effect of the discrepancy along with the verified ticket particulars and the other material on record, rather than treating the discrepancy itself as



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conclusive proof of subsequent manipulation. The appellant has placed sufficient material to discharge the initial burden of establishing *bona fide* passenger status and the respondents, despite disputing the ticket, have not produced material establishing that ticket No.95389252 was forged or that its verified particulars were unrelated to the deceased.

10. The next question is whether the death of the deceased resulted from an accidental fall from a train so as to constitute an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”).

11. The contemporaneous record establishes that a dead body was found near the Down Starter Signal of *Mitawali* Station and the *panchnama*, more specifically, records the location as near Point No.202 on the Down Loop Line. The station layout produced before the Tribunal showed Point No.202 to be on the Down Loop Line, slightly before the Down Starter Signal and at a considerable distance from the Up Main Line and Up Loop Line and it was on this basis that the Tribunal concluded that the deceased could not have fallen from a train travelling from *Gorakhpur* to *New Delhi*. The record, however, does not contain any evidence regarding the precise trajectory of a person falling from a moving train or establishing, as a matter of fact, that a person falling from a train travelling on the Up line could not come to rest at the location recorded.

12. The DRM Report is stated to have concluded that the incident occurred due to a negligent act on the part of the deceased. However, once the occurrence is otherwise brought within the ambit of an “untoward incident”, the question of negligence on the part of the



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deceased does not, by itself, defeat the statutory claim. A gainful reference in this regard may be made to the decision of the Supreme Court in “*Union of India v. Prabhakaran Vijaya Kumar*”⁵ wherein it was held that Section 124-A embodies the principle of strict liability or no-fault liability and that, where the case falls within the statutory provision, the question of fault on the part of the passenger is not determinative. The Court also emphasised that the expression “accidental falling of a passenger from a train carrying passengers” has to receive a liberal interpretation consistent with the beneficial object of the legislation. In the present case, the Tribunal has not recorded any finding of suicide, self-inflicted injury or any of the other statutory exceptions. Its conclusion rests principally on the perceived inconsistency between the direction of travel and that circumstance, without more, is insufficient to displace the case of accidental fall when considered with the verified journey ticket, the factum of the deceased being found with fatal ante-mortem injuries at the railway premises, and the absence of any established alternative cause of death.

13. Hence, on a cumulative consideration of the material, this Court is of the view that the circumstances on record establish that the deceased was travelling as a *bona fide* passenger and the occurrence squarely falls within the meaning of an “untoward incident”.

14. 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 appellants in accordance with

⁵(2008) 9 SCC 527



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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.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 31, 2026

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