



2026:DHC:7314



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

% Reserved on : 24.07.2026
Pronounced on : 31.08.2026
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CNR No. DLHC010575742023

+ **FAO 3/2024**

SARVESH KUMAR & ORS. Appellants
Through: Mr. Anshuman Bal, Advocate

Versus

UNION OF INDIA Respondent
Through: Mr. P.S. Singh, CGSC with
Ms. Annu Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 16.05.2023 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Applications bearing No. OA/II(U)/DLI/2019/232.
2. The facts in a nutshell are that on 23.07.2019, one *Sh. Harvesh @ Harvesh Kumar* (hereinafter referred to as the "deceased") was travelling, by a superfast passenger train, from New Delhi to Ludhiana Jn. on the strength of a valid journey ticket bearing no. UAB-90628860. It is averred that during the course of the said travel, due to



2026:DHC:7314



heavy rush and a sudden jerk, the deceased accidentally fell from the running train and sustained fatal injuries. His dead body was subsequently found alongside the railway track and post-mortem examination was conducted at Civil Hospital, *Khanna*.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application holding that the appellants had failed to establish that the deceased was a *bona fide* passenger and that his death occurred in an “untoward incident” within the meaning of Sections 123(c) and 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants contended that the journey ticket was recovered from the person of the deceased during *jamatalashi* and was subsequently verified from the Railway records. It is submitted that the Tribunal could not have discarded the formal record of recovery merely on the basis of the RPF *Roznamcha*, particularly when the ticket particulars themselves stood verified by the Railway authorities. It is further contended that the fact that the body was discovered on the following morning does not establish that the deceased had not fallen from the train during the preceding night. Reliance is placed upon the post-mortem report, which records that the injuries were smeared with black greasy material, noted by the doctor to occur in a railway accident.

5. *Per contra*, learned counsel for the respondent submitted that there is no eyewitness to the alleged fall and that the evidence of *Sarvesh Kumar/AW-1* regarding the journey and the incident is based upon information received by him. It is further contended that the ticket issued shortly before the departure of the train does not establish



2026:DHC:7314



that the deceased actually boarded the train and that the discovery of the body after a gap of almost 20 hours, despite several trains having passed the location, renders the claim of accidental fall doubtful. Reliance is also placed upon the discrepancy between the *jamatalashi* and the RPF record regarding recovery of the ticket.

6. Coming first to the question of *bona fide* passenger status, the material on record clearly establishes that railway ticket No. UAB-90628860 was recovered from the person of the deceased during *jamatalashi*. The *Fard-Jamatalashi* specifically records the said railway ticket amongst the articles recovered from the deceased. The ticket was thereafter verified from the Railway records and was found to have been issued from New Delhi to Ludhiana for one adult passenger for the journey dated 23.07.2019. The ticket, therefore, is not merely a document produced by the claimants after the occurrence as its particulars stand independently corroborated by the Railways' own records.

The aforesaid evidence has to be considered in the light of "Union of India v. Rina Devi"¹ and "Lata v. Union of India"². In the present case, that burden stands discharged by something more than a mere assertion of travel, as there is an actual railway ticket recovered from the deceased.

7. The reliance placed by the Tribunal upon the *Rapat-Roznamcha* to discard the aforesaid recovery is misplaced. The *Roznamcha* records what was allegedly communicated by the GRP official regarding any

¹(2019) 3 SCC 572

²2026 SCC OnLine SC 1350



2026:DHC:7314



non-recovery, whereas the *Fard-Jamatalashi* is the contemporaneous record of the physical search and specifically records the recovery of the ticket from the deceased. The discrepancy may be noticed, but it cannot result in the formal recovery being discarded, particularly when the very ticket so recovered was subsequently verified. Once the recovery and verification of the ticket stand established, the mere contents of the *Roznamcha* cannot be permitted to erase that positive documentary evidence.

8. The next question is whether the death of the deceased resulted from an “untoward incident”. The deceased was found dead alongside the railway track at Km. No.348/13-15 between *Chawapayal* and *Doraha*. The Station Master’s Memo records receipt of information regarding two dead bodies lying outside the Up line at the aforesaid location. The doctor, during the post-mortem specifically noted that the “injuries were smeared with black greasy material”, “which occurs in a railway accident”, and opined the cause of death to be head injury.

9. The Tribunal principally doubted the case of accidental fall because the body was noticed only on the following morning and several trains had passed through the section in the intervening period. At this stage it is apposite to note that in “*Sh. Surendra Prasad Verma v. Union of India*”³, this Court has held that mere delay in the recovery or discovery of the body cannot be treated as a determinative circumstance to disbelieve an accidental fall, particularly in the absence of cogent evidence suggesting otherwise. The same principle has been consistently applied by the Co-ordinate benches as well as by

³2014 SCC OnLine Del 2917



2026:DHC:7314



this Court.

The principle squarely applies here. The fact that other trains passed through the section establishes only that there was railway traffic during the intervening period, it does not establish that the body was necessarily visible to each passing train, nor does it establish when the body came to rest at the location. The delayed discovery, therefore, remains a circumstance of uncertainty and cannot be converted into positive evidence that the deceased was “run over” by some unidentified train later in the morning.

10. Additionally, neither the DRM enquiry discloses any eyewitness to such an occurrence nor does the post-mortem report opine that the injuries were “inconsistent” with a fall from a moving train, rather, it specifically records the “characteristic of a railway accident”.

11. The evidence, when viewed cumulatively, therefore establishes the occurrence on the touchstone of preponderance of probabilities. The deceased was a *bona fide* passenger travelling on a verified ticket for the relevant journey, his dead body was found alongside the railway track at the concerned railway section and the medical evidence records ante-mortem injuries associated by the doctor with a “railway accident”. As held in “Union of India v. Prabhakaran Vijaya Kumar”⁴, the expression “untoward incident” is to be understood in the context of the beneficial statutory scheme, and the liability under Section 124-A is a statutory no-fault liability subject to the exceptions contained therein.

12. In view of the above, the impugned judgment is set aside and

⁴(2008) 9 SCC 527



2026:DHC:7314



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.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 31, 2026

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