



2026:DHC:7152



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

% Reserved on : 12.08.2026
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+ **FAO 297/2024**

ROHAN LAL & ANR. Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates
versus

UNION OF INDIA Respondent
Through: Mr. Jagdish Chandra, CGSC
with Mr.Lakshay Kumar and
Ms. Maahya Saxena, Advocates

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 16.07.2024 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/DLI/414/2023 titled as "Sh. Rohan Lal &Anr. v. Union of India", whereby the claim application filed by the appellants came to be dismissed.

2. The case of the appellants is that on 07.07.2023, one *Amarjeet Singh* (hereinafter referred to as the "deceased") was travelling from *Bareilly* to *Mukarian (Punjab)* on the strength of a valid journey



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ticket. It is averred that when he did not reach his destination, his family lodged a missing-person report and on 08.07.2023, a person was found in an injured condition near KM No. 1365/05-06 at *ShahzadNagar* yard. The person subsequently died and was identified by his father and brother from the photograph and clothes. The appellants' case is that the deceased had fallen from the train while travelling towards *Punjab* and had suffered fatal injuries.

3. Learned counsel for the appellants submits that the learned Tribunal failed to appreciate the most important piece of evidence, namely, the journey ticket, which was subsequently recovered from the clothes of the deceased and was duly verified by the Railway authorities. It is submitted that the ticket was issued at *Bareilly* on 07.07.2023 at 18:19 hrs. and was for travel from *Bareilly* to *Mukarian*. Learned counsel further submits that the Railways have not filed any TSR, nor produced any eyewitness, Loco Pilot, Guard or other evidence to establish that the deceased was "run over" while walking on the railway track.

4. Learned counsel for the respondent, on the other hand, submits that the ticket was not recovered during the first *jamatalashi* and that the appellants could not identify the train by which the deceased was travelling. The ticket purchased at 18:19 hrs. on 07.07.2023 was valid only up to midnight of that date and the body was found at about 13:00 hrs. on 08.07.2023 in the station yard, and the post-mortem records the time of death as approximately one day prior to the post-mortem, which according to the respondent supports the conclusion that the deceased had not commenced his journey from *Bareilly* on



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07.07.2023.

5. At the outset, the Tribunal proceeded principally on the basis that no ticket was recovered during the first *jamatalashi* and that AW-1/the deceased's father, though was telephonically informed about the journey being undertaken by the deceased, he, however, did not know the train by which the deceased was travelling. The difficulty with this reasoning is that it does not take into account what happened thereafter. The Railway authorities verified the ticket bearing No. AAA76961041 that was recovered subsequently from the person of the deceased, as having been issued at Bareilly on 07.07.2023 at 18:19 hrs. for the journey from *Bareilly* to *Mukarian*.

As per the principle laid down in “*Union of India v. Rina Devi*”¹, the present case is, in fact, stronger. This is not a case where the appellants merely asserted that the deceased had purchased a ticket which was lost or merely produced it later, rather it was actually recovered from the belongings of the deceased in a subsequent *jamatalashi* and was thereafter sent for verification. Once the ticket stood recovered and duly verified, there is no need for further contemplation as to how and why it did not come up during the first *jamatalashi*.

6. Insofar as the validity of the ticket is concerned, the Tribunal proceeded on the basis that since the ticket was issued on 07.07.2023 and was valid up to midnight of that date, it could not support the incident that occurred on 08.07.2023. The Railways did not produce the relevant train signal records (TSR) or any other material showing

¹(2019) 3 SCC 572



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that no passenger train towards *Punjab* was available from *Bareilly* after the ticket was purchased at 18:19 hrs. The possibility that the deceased boarded a train later in the evening or during the intervening night and fell from it before the body was noticed at 13:00 hrs. on 08.07.2023 cannot be rejected merely because the exact train is not known.

7. As regards the second issue, that is, whether the incident fell within the ambit of an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”), the first information pertaining to the incident is the Station Master memo dated 08.07.2023 at about 13:25 hrs., recording that one dead body was lying at KM No. 1365/05-06 outside the track near *ShahzadNagar* yard. The GRP thereafter reached the spot and conducted the *panchnama* between 13:30 hrs. and 14:50 hrs.

8. It is pertinent to note that there is no statement of a Loco Pilot or Guard that his train had “run over” a person, and neither there is any eyewitness account of the deceased “walking” on the railway line. The finding of a “run-over” incident, as recorded in the DRM Report, was thus not based upon any positive evidence but upon an inference drawn from the absence of evidence regarding the precise manner of the fall.

9. At this stage, a reference may be made to a similar decision of this Court in “*Laxmi & Anr. v. Union of India*”², wherein this Court observed as hereunder:

“The Tribunal has further relied upon the absence of an

²2026 SCC OnLine Del 2478



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eyewitness and non-identification of a specific train, and this approach clearly reflects a misapplication of the standard of proof. It is well recognised that in railway accident cases, direct eyewitness testimony is often unavailable and the occurrence is required to be inferred from surrounding circumstances, and therefore, the absence of direct evidence cannot be treated as determinative....”

10. Another important aspect that cannot be overlooked by this Court is the reliance of the Tribunal upon the post-mortem observation that the time of death was approximately one day prior to the post-mortem. The post-mortem itself gives only an approximate estimate, and it cannot, by itself, establish the precise hour at which the deceased fell from the train. The fact that his body was noticed at about 13:00 hrs. on 08.07.2023 does not establish that the accident necessarily occurred at that very time, nor does the absence of an earlier report establish that the deceased could not have fallen from a train during the intervening night.

11. It is also important that the respondent did not establish that the occurrence fell within any of the exceptions contained in the proviso to Section 124-A of the Railways Act. There is no allegation, much less proof, of suicide or attempted suicide, self-inflicted injury, a criminal act, intoxication or insanity, or death from a natural cause.

The evidence, therefore, when considered as a whole, establishes that the deceased was a *bona fide* passenger and that his death occurred in an “untoward incident”.

12. 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



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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 15.09.2026.

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 24, 2026
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