



2026:DHC:5887



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

% Reserved on : 13.07.2026
Pronounced on : 23.07.2026
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+ **FAO 252/2025**

SMT. CHINTA MANI & ORS. Appellants

Through: Ms. Samta Jain, Advocate

versus

UNION OF INDIA Respondent

Through: Mr. Syed Abdul Haseeb (CGSC) and
Mr. Muhammad Aamir Khan,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 59152/2025 (Seeking condonation of delay of 8 days in filing the present appeal)

1. By way of the present application, the applicants/appellants seek condonation of delay of 8 days in filing the present appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 8 days in filing the present appeal is condoned.
3. The application is disposed of accordingly.

FAO 252/2025

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 09.05.2025



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(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/79/2024, titled as “*Smt. Chinta Mani & Others vs. Union of India*”.

2. The brief facts of the case, as set out in the claim application, are that on 29.05.2023, one Sh. *Govind* (hereinafter referred to as the “deceased”) was travelling from *Taj Nagar* to *Sarai Rohilla* on the strength of a valid journey ticket. It was the case of the appellants that due to heavy rush in the train, the deceased was compelled to stand near the gate of the coach and accidentally fell from the running train, as a result of which he became unconscious. At the same time, another train bearing no. 14731 was passing on the adjoining track as a result whereof, the deceased sustained grievous injuries, to which he later succumbed.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the alleged incident qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assailed the impugned judgment contending that the deceased had undertaken a lawful journey on the strength of a valid journey ticket, which was found on the person of the deceased. It was further contended that the deceased, owing to heavy rush inside the compartment, accidentally fell from the running train and thus, the case squarely falls within the scope of an “untoward incident”. It was further submitted that the mere non-mentioning of the train number in the claim



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application could not be a ground to disbelieve the incident, particularly when a valid ticket was recovered.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submitted that the Tribunal has rightly rejected the claim in view of the material on record. It was contended that the claim application did not mention the number of the train from which the deceased had allegedly fallen and Train no. 04581 came to be mentioned subsequently in the affidavit of AW-1. It was further submitted that the TSR produced did not support the presence of the said train at the relevant time. It was further submitted that the railway record, including the statement of Sh. *Arvind Kumar* (RW-1), the loco pilot of the Train no. 14731 (*Kissan Express*), DRM/RPF investigation report and other documents, clearly establish that the deceased was not a victim of fall from a train, but was seen walking on the railway track and, as a consequence, was run over by another train.

6. This Court has heard the arguments addressed on behalf of both the parties and has perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a *bona fide* passenger and whether the injuries sustained by the deceased were on account of an “untoward incident” as defined in the Act.

8. A bare perusal of the material placed on record would show that the version set up by the appellants of an accidental fall from a running train, getting stuck between tracks, becoming unconscious and being run over by another train rests primarily on the affidavit of Smt. *Chinta Mani* (AW-1), the wife of the deceased. However, during cross-examination, she admitted



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that she was not an eyewitness and has neither seen the deceased purchase the train ticket, board the train nor fall from the train. Additionally, as also noted by the learned Tribunal, the statement of AW-1 taken by the RPF revealed that she did not know that the deceased was undertaking any rail journey. Significantly, while no train number was mentioned in the claim application, AW-1 subsequently stated in her affidavit that the deceased was travelling by the Train no. 04581.

9. In contrast, the statement of eye witness *Arvind Kumar* (RW-1), loco pilot of Train No. 14731, recorded in the discharge of his official duty and in close proximity to the occurrence, assumes considerable value. The said witness has categorically stated in his affidavit dated 29.05.2023 that “*he had seen the deceased walking in between the track, he noticed the deceased belatedly because the track was curve, he blew repeated horns but the deceased had not set aside, he applied emergency brakes but the deceased person was run over*”. During his cross-examination, RW-1 categorically deposed that, as the Assistant Loco Pilot had not recorded the incident in the driver's notebook, he himself made the requisite entry. RW-1 has remained consistent in his testimony and there is nothing on record to discredit the said version, which further inspires confidence, as such testimony has been made in discharge of his official duty.

10. Furthermore, the aforesaid version stands duly corroborated by the railway record, including the DRM report and other allied documents placed on record. The consistent position emerging from the said documents is that the incident was in the nature of a “run-over” and not an accidental fall from a running train. The version put forth by the appellants in the claim



application is not supported by any cogent evidence or independent material on record. On the contrary, the testimonial evidence of the eye witness and the official railway record consistently points towards the deceased having been run over while walking on the railway track. It is well settled that though strict rules of evidence may not apply in such proceedings, the version put forth must nevertheless find some support from the record, which is conspicuously absent in the present case. The cumulative effect of the material placed on record, therefore, does not support and clearly militates against the plea of accidental fall.

11. In view of the aforesaid, this Court finds that the appellants have failed to establish that the deceased died on account of an accidental fall from a running passenger train. Rather, the material on record supports the conclusion that the deceased was “run over” while walking on the railway track and, therefore, the incident does not fall within the ambit of an “untoward incident” as defined under Section 123(c) of the Act.

12. Once this Court arrives at a finding that the occurrence itself does not fall within the ambit of an “untoward incident”, the statutory liability under Section 124-A does not arise. In these circumstances, even assuming that the deceased was travelling on a valid journey ticket, the appellants would still not be entitled to any relief unless the foundational requirement of “untoward incident” is established.

13. 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.



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14. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

JULY 23, 2026/sn