



2026:DHC:928



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

% Reserved on : 03.02.2026
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+ **FAO 15/2019**

PINKI KUMARI & ORSAppellant

Through: Mr. Rajan Sood, Ms. Ashima Sood &
Ms. Megha Sood, Advocates

versus

UNION OF INDIARespondent

Through: Ms. Pratima N Lakra, CGSC with
Mr. Shailendra Kumar Mishra,
Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 1417/2019 (delay of 130 days in filing the present appeal)

1. The present application has been filed under Section 5 of the Limitation Act, 1963, read with Section 151 of The Code of Civil Procedure, 1908 (CPC) on behalf of the appellant seeking condonation of delay of 130 days in filing the accompanying appeal.
2. Mr. *Rajan Sood*, learned counsel for the appellant, has submitted that after passing of the impugned judgment, the appellant could not file the accompanying appeal in time on account of paucity of funds and the resultant inability to obtain timely legal advice.



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3. At this stage, it is pertinent to mention the decision rendered by a Co-ordinate Bench of this Court in *Mohsina v. Union of India*¹; wherein a delay of 804 days in filing of the appeal was condoned taking into account poor economic status of the appellants/claimants.

4. In the present case, the appellants, due to paucity of funds, were unable to seek legal advice in time or instruct a counsel to file the appeal.

5. Considering the aforesaid facts and circumstances, as well as the import of the decision in *Mohsina*(*supra*), the application is allowed and the delay in filing the accompanying appeal is condoned.

6. The application is disposed of accordingly.

FAO 15/2019

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, on behalf of the appellants/claimants seeking setting aside of the judgment dated 04.06.2018 passed by the Railway Claims Tribunal, Principal Bench (hereinafter referred to as the “Tribunal”) in Claim Application No. OA(IIu) 105/2017.

2. The appellants, who were the claimants before the Tribunal, are the family members of *Rajendra Chaudhary* (hereinafter referred to as the “deceased”). Appellant no. 1, *Pinki Kumari* is the daughter of the deceased, Appellant no. 2, *Mina Devi* is another daughter of the deceased, Appellant no. 3, *Arjun Chaudhary* is the son of the deceased and Appellant no. 4, *Hemanti Devi* is the wife of the deceased.

3. *Vide* the aforesaid judgment, the Tribunal rejected the appellants' claim for compensation of Rs. 4,00,000/- along with the interest at the rate of 18% p.a., from the date of the accident, in respect of the death of the

¹ (2017) SCC OnLine Del 10003



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deceased.

4. The case of the appellants' was that on 29.09.2016, the deceased was travelling in the *Jharkhand Express* from *Barka Kana* to *Anand Vihar* Railway Station, New Delhi, having a valid reserved ticket bearing PNR No. 6156876002. The train was running late and reached *Anand Vihar* Railway Station beyond its scheduled arrival time. While disembarking the train at *Anand Vihar* Railway Station, the deceased accidentally fell from the train and sustained grievous injuries all over his body. The deceased died at the spot, and his body remained at the site of the incident till morning.

5. The Tribunal dismissed the claim on the ground that the body of the deceased was found on an adjoining platform around 06:00 AM on 01.10.2016, i.e., several hours after the *Jharkhand Express* had arrived at *Anand Vihar* Terminal Railway Station which was at about 12:05AM. The Tribunal noted a substantial time gap between the arrival of the train and the recovery of the body, which remained unexplained. Relying upon the DRM Report and the testimony of the daughter of the deceased, the Tribunal held that the death had occurred while the deceased was allegedly attempting to board a local train later in the morning. Accordingly, it was held that there was no 'untoward incident', despite the deceased being a bonafide passenger.

6. Learned counsel for the appellants assailed the findings of the Tribunal by contending that the claim was dismissed solely on the basis of the time gap between the arrival of the train and the recovery of the body, and on mere conjectures that the deceased may have fallen while boarding another train. It is further submitted that it stands duly verified that the journey ticket was valid and the deceased was a bonafide passenger, and that



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the body of the deceased was found on the railway track. In this aspect, reliance is placed on the decisions of this Court in Rani Devi v. Union of India being **FAO 104/2012**.

7. *Per contra*, learned counsel for the respondent defended the impugned judgement by submitting that the Tribunal rightly observed that the incident was not an untoward incident as the body was discovered after a substantial and an unexplained gap between the arrival of the train and the recovery of the body, which was found at a different place, which creates a suspicion that the deceased didn't fall while de-boarding the train as claimed.

8. I have heard the learned counsels for the parties and perused the material on record.

9. Appellant No.1, in her evidence by way of affidavit, reiterated the sequence of events leading to the unfortunate incident. She deposed that the deceased was travelling from *Barka Kana* to *Anand Vihar* Railway Station with a valid reservation ticket in *Jharkhand* Express, that the train was running late, and that the deceased accidentally fell from the train while de-boarding at *Anand Vihar* Railway Station, resulting in grievous injuries and his death at the spot.

10. A perusal of the statement of CW-1, *Om Prakash*, the Investigating Officer, reveals that the police received a PCR call at about 6:04 AM, whereas the *Jharkhand* Express had arrived at *Anand Vihar* Railway Station shortly after 12:00AM. CW-1 deposed that during investigation, he interacted with several passengers of the said train who were present in the waiting room and were to leave for their destinations in the morning. These passengers informed him that an elderly passenger had fallen from the *Jharkhand* Express. Though none of the said passengers agreed to give a



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written statement due to fear of police and court proceedings, their verbal version corroborated the appellants' case of an accidental fall from the train. He could not determine which coach the deceased was traveling in when he arrived at Anand Vihar Station, or its position relative to the engine. CW-1 further stated that the deceased had fallen on the slope at the *Ghaziabad* end of Platform No. 2 of the Old *Anand Vihar* Station, and that the distance between the place of fall and the place where the body was found was approximately 50 meters, with a curve in between and no direct accessible route.

11. The DRM Report concludes that the death of the deceased occurred after he had completed his journey at *Anand Vihar* Railway Station and while attempting to catch a local train for his onward journey. It records that the deceased slipped and sustained severe injuries due to his own negligence and that the railway administration was not responsible for the said accident.

12. As regards the status of the deceased as a bonafide passenger, the record clearly shows that he was travelling on a valid reservation ticket bearing PNR No. 6156876002 from *Barka Kana* to *Anand Vihar* Railway Station. The journey ticket has not been disputed by the respondent.

13. Learned counsel for the appellant has relied upon the above-cited decisions rendered by this Court, wherein the claims were allowed, and compensation was granted despite delay in recovery of the dead body and with a valid ticket. It was contended that the said precedents squarely apply to the facts of the present case.

14. In the present case, Appellant No.1, in her affidavit, reiterated the factual narrative surrounding the incident. It was contended on behalf of the appellants that the deceased was travelling in the train and that his death was



caused due to a fall while de-boarding the train.

15. It is the conceded case of the appellant that the deceased was found with a valid ticket, which was duly verified, and the place where the body was found was in proximity to the track and platform where the deceased had de-boarded. Merely because the body of the deceased was discovered after a few hours does not take away from the incident being an “untoward incident”. The post-mortem report records death due to cranio cerebral damage as a result to injury to head consequent upon heavy blunt force impact which is necessarily fatal. The Supreme Court in Union of India Vs. Prabhakaran Vijaya Kumar & Ors² has opined that the Railways Act is a beneficial piece of legislation, and a narrow or restrictive interpretation of the expression “untoward incident” under Section 123(c) would defeat its object. Further, Section 124-A of the Act provides for strict or no-fault liability, and once a case falls within its ambit, the question as to fault or negligence becomes wholly irrelevant.

16. Since the respondent has failed to discharge its burden of proving that the deceased committed an act that falls within the strict exceptions of Section 124A of the Railways Act, this Court is of the considered opinion that the death of the deceased occurred as a result of an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act.

17. Therefore, in the light of the settled law, this Court finds that the adverse inferences drawn by the Tribunal against the appellants are legally unsustainable. The findings recorded by the Tribunal are based on conjectures, unsupported by cogent evidence, and are contrary of the above-cited catena of precedents governing with the compensation under the

² (2008) 9 SCC 527



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Railways Act. Consequently, the impugned judgment dated 04.06.2018 is set aside.

18. In view of the aforesaid, the appellants are held to be entitled to compensation.

19. The accident in the present case occurred on 01.10.2016, i.e., prior to the revision of statutory compensation under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, whereby the compensation payable in cases of death was enhanced from Rs. 4,00,000/- to Rs. 8,00,000/- The Supreme Court in Union of India v. Rina Devi³ laid down the principle for determination of the quantum of compensation. It was held as under:

“18. ...Wherever it is found that the revised amount of applicable compensation as on the date of award of the Tribunal is less than the prescribed amount of compensation as on the date of accident with interest, higher of the two amounts ought to be awarded on the principle of beneficial legislation. Present legislation is certainly a piece of beneficent legislation.”

20. Accordingly, the respondent shall release the higher of the two amounts towards compensation to the claimants in proportionate amount within a period of four weeks.

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

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 04, 2026

dh

³ (2019) 3 SCC 572