



2026:DHC:2591



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

% Reserved on : 12.03.2026
Pronounced on : 27.03.2026
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+ **FAO 77/2026**

SUBHASH CHAND @ SUBHASH CHANDRA & 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 Ms.
Maanya Saxena, Advocate
Ms. Iram Majid, CGSC with Mr. Mohd. Suboor
and Ms. Nasreen Khatoon, 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, assailing the judgment dated 30.10.2025 passed by the Railway Claims Tribunal, Delhi, (hereinafter as the "Tribunal") in Case No. OA/II(U)/DLI/744/2025, titled "Subhash Chand @ Subhash Chandra & Anr. v. Union of India".

2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants on the ground that the that the deceased



was not a *bona fide* passenger and that the alleged incident did not amount to an “untoward incident” within the meaning of Section 123(c)(2) read with Section 124A of the Railways Act, 1989 (hereinafter referred to as “the Act”).

3. Briefly stated, the facts of the case, as set out by the claimants, are that on 06.06.2024, one *Sanju Yadav* (hereinafter referred to as the “deceased”) had purchased a journey ticket bearing No. UCC-37999149 for travelling from *Tundla* to *Bharthana* by EMU Train No. 04186. Due to heavy rush inside the train compartment, she was standing near the gate, upon the train reaching *Bharthana* Railway Station, she was unable to deboard. In the process of alighting, she accidentally fell from the train after the station, sustaining serious injuries. She died at the spot.

4. Learned counsel for the appellants contends that the Tribunal erred in declining to confer the status of a *bona fide* even though the ticket was produced by the father of the deceased which was verified by the Railway authorities. Learned counsel further contends that the deceased had accidentally fallen from the running train due to heavy rush, which indicates that the death occurred in an untoward incident.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and contends that the alleged incident was not an accidental fall from the train but occurred due to the deceased having jumped from the moving train. It is contended that the record, including the Station Memo and DRM report, clearly indicates that information was received from a passenger that a girl had jumped from the moving train after it left *Bharthana* station. It is further submitted that no journey ticket was recovered during *jamatalashi*, and the ticket subsequently produced by the



father of the deceased cannot be conclusively linked to the travel taken by deceased.

6. I have heard the learned counsel for the parties and perused through the record.

7. *Vikas Kumar*, Head Constable, RPF Post *Etawah*, stated that on 06.06.2024, during his duty at *Bharthana* Railway Station, the Station Master informed him that a girl had jumped from Train No. 04186 approximately 2 kms after departing from *Bharthana* Station. Upon receiving the information, he immediately proceeded towards the track. When they reached KM No. 1134/28, they found a girl lying at a distance of about 10-12 feet on the north side of the down track. Thereafter, the information was conveyed to the Station Master, *Bharthana*. The Station Master issued a memo to the Civil Police Station, *Bharthana*. During the search, a small bag was recovered from the spot, bearing the name “*F-H College of Nursing, Etmadpur, Agra*”.

8. The Post Mortem Report records that the deceased, died due to COMA antemortem head injury. The DRM Report concludes that the deceased was travelling in Train no. 04186 from *Tundla* to *Bharthana*. However, relying upon the Station Memo, it was further observed that the incident occurred due to the deceased allegedly jumping from the moving train between *Bharthana* and *Samho* after the train had departed. The report also records that no railway ticket was recovered from the deceased at the spot.

9. It is noted that although no journey ticket was recorded during the course of *jamatalashi*, the belongings of the deceased, including her bag, were handed over to the father/appellant no. 1, who, upon checking the



same, found the journey ticket and thereafter produced it before the authorities. The ticket so produced was verified by the Railway authorities and found to have been issued from *Tundla* Railway Station on the date of the incident. The surrounding circumstances also support the case of the appellants, inasmuch as the deceased, who was residing at a hostel in *Tundla*, had informed appellant no.1 that she was returning home to *Bharthana* and was travelling by Train no. 04186 EMU. These facts cumulatively establish the foundational requirement of *bona fide* travel and discharge the initial burden cast upon the appellants. The Tribunal, however, rejected the claim solely on the ground of non-recovery of the ticket during *jamatalashi* and its subsequent production by the father, which, in the opinion of this Court, is unsustainable. Once the validity of the journey ticket stands established, a presumption arises in favour of *bona fide* travel, unless rebutted by cogent evidence, which is absent in the present case. (Ref: *Union of India v. Rina Devi*¹).

10. Insofar as the issue whether the alleged incident amounts to an “untoward incident” is concerned, the Tribunal concluded that the deceased had ‘jumped’ from the moving train on the basis of a statement of an RPF official, who had allegedly received such information from an unidentified passenger. Admittedly, the said passenger was neither identified nor examined, and no independent eyewitness has been produced to support this version. In the absence of any cogent material on record, the finding that the deceased had jumped from the train remains only hearsay and cannot be sustained. The Tribunal, despite noting the nature and gravity of the injuries mentioned in Post Mortem Report, drew an inference of a deliberate act,

¹ (2019) 3 SCC 572



which is speculative and unsupported by any eye witness account or medical opinion on record.

11. It is well settled that Section 124-A of the Railways Act embodies a beneficial statutory scheme and must therefore be construed in a liberal manner. The Supreme Court has repeatedly held that the provisions governing compensation for railway accidents must receive a purposive interpretation so as to advance the object of providing relief to victims of railway accidents, rather than being defeated by hyper-technical objections. In Union of India v. Prabhakaran Vijaya Kumar², the Supreme Court held that once the occurrence of an “untoward incident” is established and the case does not fall within any of the statutory exceptions, the liability of the Railways under Section 124-A is strict. In the present case, the respondent has failed to conclusively establish that the death of the deceased falls within any of the exceptions carved out under the proviso to Section 124-A of the Act.

12. Considering the foregoing discussion, this Court is of the opinion that the learned Tribunal, in the present case, adopted an unduly rigid standard of proof, overlooking the beneficial object of the Act and the settled principle that proceedings thereunder are intended to provide prompt and efficacious relief to the victims of railway accidents.

13. In view of the above, the matter is remanded back to the learned Tribunal, which is requested to assess the amount of compensation payable to the appellants in accordance with law and direct the authorities concerned to disburse the same within four weeks from the receipt of a copy of this order.

² (2008) 9 SCC 527



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14. For this purpose, the matter be listed before the Tribunal at the first instance on 06.04.2026.
15. Accordingly, the present appeal is allowed and disposed of in the above terms.
16. A copy of this judgment be communicated to the concerned Tribunal.

MANOJ KUMAR OHRI
(JUDGE)

MARCH 27, 2026
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