



2026:DHC:4238



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

% Reserved on : 06.05.2026
Pronounced on : 13.05.2026
Uploaded on : 13.05.2026

+ **FAO 80/2024**

KIRAN DEVIAppellant

Through: Mr. Rajan Sood, Advocate

versus

UNION OF INDIARespondent

Through: Ms. Devvrat Yadav, SPC for UOI
with Mr. Kartik Sharma, GP

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 14486/2024 (seeking condonation of delay of 1540 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 1540 days in filing the appeal.
2. Learned counsel for the appellant submits that the appellant, a resident of *Dinagarhi, Ghaziabad* is a poor and illiterate person of 70 years of age and belongs to an economically weaker section and due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice. It is further submitted that the deceased was the sole earning member of the family.



3. Learned counsel for the respondent, on the other hand, opposes the present application.
4. It is noteworthy that in “*Mohsina vs. Union of India*”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, this Court in “*Shalini Gihar vs. Union of India*”², allowed the application, and a delay of 1122 days was condoned, considering the financial hardship of the appellants and the surrounding circumstances.
5. The Railways Act, 1989 and the Railways Claims Tribunal Act, 1987 arises out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.
6. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.
7. In view of the aforesaid, the application is allowed and the delay of 1540 days in filing the appeal is condoned.
8. The application is disposed of accordingly.

FAO 80/2024

1. The present appeal has been filed under Section 23 of the Railway

¹ (2017) SCC OnLine Del 10003

² (2023) SCC OnLine Del 3193



Claims Tribunal Act, 1987, against the judgment dated 30.09.2019, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/GZB/059/2018.

2. Vide the impugned judgment, the Tribunal dismissed the claim application primarily on the ground, that though the death of the deceased fell within the ambit of an “untoward incident”, the appellant failed to establish that he was a *bona fide* passenger within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”).

3. The brief facts of the case, as stated in the claim application, are that on 17.12.2017, one *Yogesh* (hereinafter referred to as the “deceased”) was travelling from New *Ghaziabad* Railway Station to *Meerut* City Railway Station, on the strength of a valid journey ticket. It was the appellant’s case that while the train was approaching the *Meerut* City Railway Station, due to heavy rush in the compartment, the deceased accidentally fell down from the train near the platform and sustained grievous injuries, to which he succumbed during treatment on 18.12.2017.

4. The Tribunal, however, dismissed the claim petition primarily on the ground that no journey ticket was recovered either from the person of the deceased or during the inquest proceedings and the testimony of AW-2 (*Amardeep*) was unreliable.

5. Learned counsel appearing on behalf of the appellant contends that the findings recorded by the Tribunal are contrary to the oral as well as documentary evidence available on record. It is further submitted that the testimony of the appellant’s witnesses stood duly corroborated by the statement of the Station Master, *panchnama* proceedings, post mortem report and the DRM inquiry itself, all of which recorded that the deceased



had sustained injuries on account of fall from the train. He further submits that mere non-recovery of the railway ticket could not have been made the sole basis to deny *bona fide* passenger status, particularly when the occurrence of accidental fall from the train stood established from the contemporaneous official record.

6. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that no railway ticket was recovered from the person of the deceased during the inquiry proceedings and the testimony of AW-2 regarding purchase of the ticket was rightly disbelieved by the Tribunal in view of contradictions appearing in his cross-examination. It is further submitted that the deceased fell while attempting to deboard the train after its departure from *Meerut City Railway Station* and therefore the Tribunal rightly concluded that the appellants failed to establish that the deceased was a *bona fide* passenger at the relevant time.

7. This Court has heard the learned counsels for the parties and perused the material placed on record.

8. So far as the occurrence of an “untoward incident” is concerned, the Tribunal itself returned a categorical finding that the death of the deceased had occurred on account of accidental fall from Train No.54473. The official record including the statement of the Station Master, *panchnama* proceedings, DRM inquiry report as well as the post mortem report consistently establish that the deceased had sustained fatal injuries after falling from the train near *Meerut City Railway Station*. The Station Master’s statement specifically records that after departure of Train No.54473 from *Meerut City Railway Station*, commotion was raised by passengers that one person had fallen from the train near Platform No.3,



pursuant whereto the train was stopped and the injured was removed for medical treatment. Similarly, the *panchnama* proceedings as well as the DRM inquiry report also record that the deceased had sustained injuries due to fall from the passenger train.

9. In view of the aforesaid material and particularly in light of the categorical finding already returned by the Tribunal itself, this Court finds no reason to take a different view on the occurrence of the incident. The death of the deceased clearly arose due to accidental fall from a passenger train within railway premises and therefore squarely falls within the ambit of an “untoward incident”.

10. At this stage, it may also be noted that the Supreme Court in *Union of India v. Rina Devi*³, has specifically held that death or injury while boarding or disembarking a train would also fall within the expression “untoward incident”. Consequently, even assuming the version of the respondent that the deceased fell while attempting to get down from the train after its departure from *Meerut City Railway Station*, the same would nonetheless remain covered within the ambit of an “untoward incident”.

11. The only surviving issue, therefore, is whether the deceased was a *bona fide* passenger at the relevant time.

12. The Tribunal answered the aforesaid issue against the appellant primarily on the reasoning that no railway ticket was recovered from the person of the deceased and the testimony of AW-2, *Amardeep*, brother of the deceased, regarding purchase of the ticket was unreliable.

13. This Court does not agree with the aforesaid reasoning adopted by the Tribunal. The evidence led by the appellant clearly establishes that the

³ (2019) 3 SCC 572



deceased had undertaken a railway journey from New *Ghaziabad* Railway Station to *Meerut* City Railway Station. AW-2, categorically stated that he had accompanied the deceased to New *Ghaziabad* Railway Station and that the deceased had purchased the railway ticket in his presence. The statement was partly corroborated by AW-1.

14. The Tribunal discarded the testimony of AW-2 primarily on the ground that during cross-examination he stated that he had not purchased a platform ticket and had not entered the platform area. In the considered opinion of this Court, the aforesaid discrepancy was minor in nature and could not have been made basis to discard the entire testimony, particularly when the substantive part of his deposition regarding purchase of the railway ticket remained consistent throughout.

15. Furthermore, the non-recovery of the railway ticket, therefore, cannot by itself lead to an inference that the deceased was not travelling by train. In cases involving accidental fall from running trains, loss of ticket during the course of the incident or subsequent handling of the injured cannot be ruled out. The Supreme Court in *Rina Devi* (supra) has specifically held that mere absence or non-recovery of a railway ticket cannot negate *bona fide* passenger status and the issue has to be decided on the basis of attending facts and surrounding circumstances. It was further held that once foundational facts regarding railway travel are shown, the burden shifts upon the Railways. The respondent, apart from relying upon non-recovery of ticket and minor discrepancies appearing in the testimony of AW-2, failed to lead any cogent evidence sufficient to rebut the presumption arising from the evidence adduced by the appellants.



2026:DHC:4238



16. In the present case, the attending circumstances support *bona fide* railway travel. The occurrence of accidental fall from Train No.54473 stands established from the statement of the Station Master, DRM inquiry report and *panchnama* proceedings themselves. The evidence of AW-2 partly corroborated by AW-1, consistently supports the version of the appellant regarding the railway journey undertaken by the deceased from New Ghaziabad to Meerut City after purchasing the journey ticket.

17. In view of the aforesaid discussion, the findings recorded by the Tribunal on the issue of *bona fide* passenger are not sustainable.

18. Accordingly, the impugned judgment dated 30.09.2019 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 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 26.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 13, 2026

kk