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* **IN THEHIGH COURTOF DELHIAT NEW DELHI**

\# **CNR No. DLHC010123732025**

\+ FAO 55/2025

SH. LAL JI & ORS. .....Appellants

Through: Mr. Rajan Sood, Advocate

versus

UNION OF INDIA .....Respondent

Through: Mr. Vedansh Anand (SPC), Mr. Shivam Kumar (GP) and Mr. Kush Garg, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% 28.10.2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the judgment dated 25.10.2024 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in OA II(u) No. 243/2023, whereby the claim application filed by the appellants seeking compensation on account of the death of one *Dilip Kumar* (hereinafter referred to as the "deceased") came to be dismissed.

2. The case set up by the appellants before the Tribunal was that, on 03.04.2023, the deceased was travelling to *Bangalore* after purchasing a valid journey ticket at *Kacheguda* Railway Station. It was pleaded that, owing to the rush in the general compartment, he was standing near the door and accidentally fell from the moving train near *Kaukuntla* Railway Station, sustaining fatal injuries. The appellants, being his parents, wife and minor

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children, approached the Tribunal seeking compensation under Sections 124-A and 125 of the Railways Act, 1989 (hereinafter referred to as the "Act").

3. The respondent has contested the claim, disputing the deceased's status as a *bona fide* passenger as well as the nature of the occurrence. The Tribunal, relying upon the DRM inquiry report, the non-recovery of the journey ticket and the medical opinion referred to therein, concluded that the deceased had not established that he was a *bona fide* passenger and that his death was not the result of an "untoward incident". It proceeded on the premise that the deceased had committed suicide and dismissed the claim application.

4. Learned counsel for the appellants assails the impugned judgment, contending that the Tribunal has drawn an adverse inference against the appellants on the basis of the material in the DRM report without properly appreciating the statement of the deceased's father and the medical record. It is submitted that the opinion attributed to the post-mortem doctor does not conclusively establish the manner in which the deceased sustained the injuries, particularly when the doctor was not examined before the Tribunal.

5. Having heard learned counsel for the parties and perused the material placed on record, the issues which arise for consideration are whether the deceased was a *bona fide* passenger at the time of the incident and whether the circumstances surrounding his death justify the conclusion that the same was not an "untoward incident" within the meaning of the Act.

6. Coming first to the question of the deceased's status as a *bona fide* passenger, the mere non-recovery of a journey ticket cannot, by itself, be treated as conclusive proof that the deceased was travelling without a valid

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ticket. In "*Union of India v. Rina Devi*"[1], the Supreme Court held that the initial burden upon the claimant is to establish the relevant facts and circumstances indicating bona fide travel. Once such foundational facts are placed on record, the burden shifts to the Railways to rebut the claim on the basis of the evidence and attending circumstances. The aforesaid principle has also been reiterated in "*Lata v. Union of India*"[2]and "*SukhabhaiNanjibhai Makwana &Anr. v. Union of India*"[3].

7. In the present case, the appellants' case was that the deceased had left for Bangalore after informing his father of his intended journey. The father, who was examined before the Tribunal as AW-1, reiterated this circumstance in his testimony. The non-recovery of the ticket was a relevant circumstance, but could not, without examining the remaining evidence and also in view of the settled law, can be treated as determinative of the deceased's status as a *bona fide* passenger. The finding on this aspect, therefore, required consideration in accordance with the principles laid down in the aforesaid decisions.

8. The next question is whether the deceased's death could, on the material available, be held to have resulted from something other than an "untoward incident". Section 123(c)(2) of the Act includes within the expression "untoward incident" the accidental falling of a passenger from a train carrying passengers. Section 124-A provides for compensation where the death of a passenger results from an "untoward incident", subject to the exceptions stipulated therein. The question, therefore, is whether there was

[1](2019) 3 SCC 572
[2]2026 SCC OnLine SC 1350
[3]2026 INSC 1056

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cogent material to conclude that the deceased had deliberately caused his own death.

9. The entire basis of dismissing the claim seems to be the statement attributed to the deceased's father before the GRP personnel, to the effect that his son was in the habit of consuming alcohol. However, a perusal of the statement placed on record does not support this attribution. Rather, when questioned as to whether his son was in the habit of consuming alcohol, the father categorically denied the same. The very circumstance relied upon by the Tribunal to support its conclusion of suicide, therefore, does not find support in the statement itself.

10. The opinion of the post-mortem doctor that the injuries could have been sustained when a person was lying down is also not conclusive of the manner in which the deceased sustained the injuries. Pertinently, the said doctor never appeared before the Tribunal to explain or substantiate the opinion attributed to him. Further, the MLC also does not record any smell of alcohol. These circumstances assume significance when the conclusion of suicide is sought to be drawn from the alleged consumption of alcohol and the nature of the injuries. Neither the statement of the father, read in its entirety, nor the medical opinion, in the absence of the doctor's examination, conclusively establishes that the deceased had deliberately caused his own death.

11. The reasoning adopted by the Tribunal, in this regard, thus is liable to be set aside. A conclusion as to the manner of death must emerge from the material on record and cannot rest upon an inference which is not borne out by the evidence relied upon. In the absence of cogent material establishing suicide, the possibility of an accidental fall cannot be excluded

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merely on the basis of the opinion recorded in the post-mortem report. The approach adopted in the impugned judgment, therefore, does not adequately account for the limitations of the material relied upon by the Tribunal.

12. In view of the above, 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 appellant 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 30.11.2026.

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, J

OCTOBER 28, 2026
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