



2026:DHC:4446



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

% Reserved on : 12.05.2026
Pronounced on : 18.05.2026
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+ **FAO 153/2026**

PURNIMA & ORS.

.....Appellants

Through: Ms. Shivali Shah and Mr. Kshitiz
Jain, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Rohit Kumar, SPC with Mr. Amit
Acharya, GP and Ms. Himanshi
Singh, Advocate

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, against the judgment dated 05.01.2026, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/49/2025.
2. Vide the impugned judgment, the Tribunal dismissed the claim application on the ground that the appellant was neither a *bona fide* passenger nor did the incident come within the ambit of an "untoward incident" as defined under the Railways Act, 189 (hereinafter referred to as the "Act").



3. The brief facts of the case, as set up before the Tribunal, are that on 12.10.2024, one Sh. *Ravindra Kumar @ Neetu* (hereinafter referred to as the “deceased”) was travelling along with his younger son and his brother-in-law, *Deshpal Singh*, from *Gokulpur Saboli* to *Shamli* on the strength of valid journey tickets for the said travel. During the course of the journey, due to heavy crowding and pushing inside the compartment, the deceased accidentally fell from the moving train near *Gotra Halt* and sustained grievous injuries. The deceased was initially taken to *CHC Khekra* for treatment and was thereafter shifted to *GTB Hospital, Delhi*, where he ultimately succumbed to his injuries.

4. Assailing the impugned judgment, learned counsel appearing for the appellants submits that the approach adopted by the Tribunal is contrary to the settled legal principles and the Tribunal failed to appreciate the evidence on record in its correct perspective and rejected the claim on mere conjectures. Learned counsel submits that the evidence brought on record by the appellants was sufficient to establish both the *bona fide* status of the deceased as well as the occurrence of an “untoward incident” on the touchstone of preponderance of probabilities. Reliance is placed upon the decisions of the Supreme Court in *Union of India v. Rina Devi*¹, *Union of India v. Prabhakaran Vijaya Kumar & Ors*², and *Rajni & Ors. v. Union of India*³.

5. On the other hand, learned counsel appearing for the respondent supports the impugned judgment and submits that no railway official received any information regarding the alleged incident and therefore no

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527

³ (2025) INSC 1201



Station Diary entry or railway record relating to the incident came into existence. Learned counsel submits that the absence of any contemporaneous railway record casts serious doubt on the story set up by the appellants. He further submits that the findings recorded by the Tribunal are based upon proper appreciation of evidence and do not warrant interference in appellate jurisdiction.

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

7. The principal issue which arises for consideration is whether the deceased was a *bona fide* passenger and whether his death occurred in an “untoward incident”.

8. Besides the deposition of AW-2, namely *Deshpal Singh*, who was travelling along with the deceased, the material placed on record shows that *Satyendra Singh* (CW-1), the booking clerk examined before the Tribunal admitted that the tickets in question had in fact been sold from *Gokulpur Saboli* railway station on the relevant date. The dispute raised by the respondent was confined only to the handwritten insertion of the destination “*Shamli*” appearing on the face of the ticket. However, even according to the respondent, the ticket stood issued for travel from *Gokulpur Saboli* to *Gujran Balwa*. Significantly, the alleged incident occurred near *Gotra Halt* which admittedly falls on the same railway route and is located prior to *Gujran Balwa*. Thus, even if the handwritten insertion is ignored for the sake of argument, the material on record nevertheless establishes that the deceased was travelling on the strength of a valid journey ticket for the relevant railway corridor.



9. The Tribunal appears to have rejected the entire claim solely on the basis of suspicion arising out of the handwritten insertion on the ticket. In the considered opinion of this Court, such approach is unsustainable particularly when the issuance of the ticket itself stood admitted by the booking clerk examined before the Tribunal and the accident took place prior to destination for which the journey ticket was issued. The provisions relating to the payment of compensation under the Act form part of beneficial legislation and therefore require liberal construction.

10. Equally, the surrounding circumstances and material placed on record probabilistically support the case of the appellants regarding an accidental fall from the train. The record shows that the deceased was found in an injured condition near the railway track and was immediately shifted for medical treatment. The post-mortem report also records that the injuries were caused due to blunt force trauma sustained in a railway accident.

11. The Tribunal appears to have attached considerable significance to the absence of any Station Diary entry/Station Master Memo or railway intimation regarding the incident. However, mere absence of such railway record cannot by itself override otherwise consistent material available on record. It is not uncommon that railway accidents occurring during crowded passenger travel or during odd hours may not immediately come to the notice of railway officials. The absence of a station entry may at best constitute one circumstance for appreciation of evidence, but cannot be treated as conclusive proof, in the present facts, to completely disbelieve the claim.

12. The respondent also failed to establish that the deceased was a trespasser, that he had suffered self-inflicted injuries, or that the case fell



within any of the statutory exceptions contemplated under the proviso to Section 124-A of the Act. In fact, no evidence whatsoever was led to suggest suicide, criminal act or intoxication.

13. The Supreme Court in *Rina Devi* (supra) has categorically held that the initial burden upon the claimant can be discharged by filing an affidavit of relevant facts and once such foundational facts are established, the burden shifts upon the Railways to disprove the claim. In the present case, the appellants successfully discharged the said burden through both oral as well as documentary evidence placed before the Tribunal.

14. In this regard, AW-1, namely *Purnima*, wife of the deceased, specifically deposed that she was informed by *Deshpal Singh*, regarding the incident and thereafter she reached the hospital where the deceased was undergoing treatment. Further, AW-2, namely *Deshpal Singh*, who was travelling along with the deceased, categorically deposed that on the date of the incident he had purchased three tickets for himself, the deceased and the minor son of the deceased for travelling from *Gokulpur Saboli*. AW-2 further stated that due to excessive crowding inside the compartment, the deceased was standing near the gate of the coach and during the course of the journey he suddenly went missing from the compartment. Upon trying to contact him telephonically, AW-2 was informed that the deceased had suffered serious injuries near *Gotra Halt*. The said testimony assumes significance particularly because the respondent could not elicit any material contradiction in his cross-examination so as to completely discredit his version regarding the journey undertaken by the deceased.

15. The admitted issuance and production of tickets bearing Nos. UAG-25601876 and UAG-25601877, the testimony of AW-2 regarding the



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journey undertaken by the deceased, the post-mortem report and the DRM inquiry report cumulatively establish that the deceased was travelling by the *Saharanpur-Delhi* MEMU train and suffered injuries in an accidental fall during the course of the journey. The respondent failed to rebut the said evidence by producing any cogent material to the contrary.

16. In view of the aforesaid discussion, this Court is satisfied that the deceased was a *bona fide* passenger and that his death occurred in an untoward incident within the meaning of Sections 123(c) and 124-A of the Act.

17. Accordingly, the impugned judgment dated 05.01.2026 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 28.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 18, 2026

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