



2026:DHC:4160



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

% Reserved on : 05.05.2026
Pronounced on : 11.05.2026
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+ **FAO 202/2022**

SMT. KAMLESH & ORS.Appellants

Through: Mr. Prashant Kumar Shisodia,
Advocate

versus

UNION OF INDIARespondent

Through: Mr. Farman Ali, CGSC with Ms.
Usha Jamwal, 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 13.04.2022, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/18/2021.
2. Vide the impugned judgment, the Tribunal dismissed the claim application on the ground that the deceased was neither a *bona fide* passenger and nor did the incident in question fell within the ambit of an "untoward incident" as defined under Section 123(c) read with Section 124-A of the Railways Act, 1989 (hereinafter referred to as "the Act").
3. The brief facts of the case, as borne out from the claim application, are



that on 29.02.2020, one *Vijay* (hereinafter referred to as the “deceased”) was travelling from *Faridabad* to *Asaoti* by EMU passenger train after purchasing a valid second class journey ticket. During the course of the said journey, the deceased accidentally fell from the running train near KM No.1501/13, between *Ballabgarh* Railway Station and *Asaoti* Railway Station, resulting in grievous injuries, due to which he died.

4. Learned counsel for the appellants submits that the Tribunal has failed to appreciate the official railway record in its correct perspective and has returned findings contrary to the material available on record. It is submitted that the Station Master memo, DRM/RPF inquiry proceedings, GRP investigation, medical record and the verified railway ticket consistently establish that the deceased had sustained injuries after falling from the running train while travelling on a valid railway journey ticket and therefore the death of the deceased squarely falls within the ambit of an “untoward incident” under the Act.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that no journey ticket had been recovered from the deceased at the time when he was initially found injured and therefore the deceased was not proved to be a *bona fide* passenger. It is further submitted that there was no eyewitness to the occurrence and hence the Tribunal rightly dismissed the claim application.

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

7. The earliest information regarding the incident emerges from the Dy. SS/BVH memo dated 29.02.2020, issued at 19:10 hours to the GRP/RPF *Ballabgarh*, wherein it was recorded that information had been received



regarding one injured (*ghayal*) person lying near KM No.1501/13. The said document was prepared immediately after the occurrence in the normal course of railway functioning and there is nothing on record to suggest that the same was fabricated or subsequently introduced.

8. A perusal of the medical and police record further corroborates the case of the appellants. The MLC dated 29.02.2020 records the history as “railway accident” and further records blunt injuries suffered by the deceased. The inquest and investigation proceedings further show that the deceased was found in an injured condition near the railway track at KM No.1501/13 and was thereafter shifted to Civil Hospital, *Ballabgarh* and subsequently referred to *Jai Prakash Narayan* Trauma Centre (AIIMS), *Delhi* where he was declared “brought dead”.

9. The DRM/RPF inquiry proceedings show that the inquiry itself proceeded on the basis that the deceased had fallen from the train and was found injured near the track. The DRM report specifically records that EMU No.64902 had arrived at *Ballabgarh* Railway Station at about 18:55 hours and thereafter departed at about 18:56 hours towards its destination. The inquiry proceedings further record that the deceased was found injured near KM No.1501/13 and had sustained injuries in connection with the railway incident. Significantly, the report also records that the claimant had produced railway journey ticket bearing No. UAC 94711330, FDB to AST dated 29.02.2020, which upon verification from the booking supervisor, *Faridabad*, was found to have been validly issued on the said date.

10. The Tribunal, however, discarded the claim primarily on the ground that there was no eyewitness to the occurrence and that no ticket was recovered from the deceased at the first instance. In the opinion of this



Court, the said approach is erroneous.

11. This Court finds that the material placed on record clearly establish that the death occurred in connection with railway travel and falls within the ambit of an “untoward incident” under Section 123(c) of the Act. There is no material on record to suggest suicide, self-inflicted injury, criminal act or any other circumstance so as to attract the exceptions contained in the proviso to Section 124-A of the Act.

12. Once the untoward incident stands established, the next question which arises is whether the deceased was a *bona fide* passenger at the time of the incident.

13. A perusal of the DRM/RPF inquiry proceedings shows that the claimant had produced railway ticket bearing No. UAC 94711330 dated 29.02.2020 pertaining to journey from *Faridabad* to *Asaoti*. Significantly, the inquiry report itself records that the said ticket was verified from the Booking Supervisor, *Faridabad* and upon verification, the same was found to have been validly issued on the said date. Thus, the existence and genuineness of the railway ticket itself stood verified during the course of inquiry proceedings.

14. The Tribunal appears to have discarded the claim only on the ground that the same was not recovered from the body of the deceased at the first instance and was subsequently stated to have been found near the place of occurrence. However, merely because the ticket was not recovered during the initial proceedings cannot by itself be treated as conclusive to disbelieve the railway journey, particularly in cases involving accidental fall from a running train resulting in grievous injuries. In such situations, loss or displacement of the railway ticket during the course of the incident cannot be



ruled out.

15. In Union of India v. Rina Devi¹, the Supreme Court held that mere non-recovery of ticket cannot be a ground to reject the claim where the facts and circumstances otherwise indicate *bona fide* railway travel. It was further held that the matter is required to be examined on the touchstone of preponderance of probabilities and strict proof of every fact cannot be insisted upon in railway accident claim cases. In the facts of the present case, this Court is of the considered opinion that the verified railway ticket, coupled with the contemporaneous railway record and inquiry proceedings, sufficiently establishes that the deceased was travelling as a *bona fide* passenger at the relevant time.

16. It is also relevant to note that apart from raising suspicion regarding the recovery of the ticket, the respondent has not led any evidence to establish that the said ticket was fabricated, planted or subsequently procured only for the purposes of the present claim. No suggestion was put to the claimant in cross-examination that the ticket itself was forged or that the verification recorded during the inquiry proceedings was incorrect. The surrounding circumstances, namely the place of occurrence, timing of the incident, medical record and contemporaneous railway documents, all validate and support the case of the appellants regarding the railway journey of the deceased.

17. Further, in Union of India v. Prabhakaran Vijaya Kumar & Ors², it was held that the provisions relating to compensation under Section 124-A are required to receive liberal and beneficial interpretation and once an

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527



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“untoward incident” is established, the liability of the Railways becomes strict unless the case falls within any of the statutory exceptions. There is absolutely no material available on record to suggest suicide, attempted suicide, self-inflicted injury, intoxication, insanity or commission of any criminal act by the deceased so as to bring the present case within the exceptions carved out under the proviso to Section 124-A of the Act.

18. The impugned judgment passed by the learned Tribunal is therefore contrary to the evidence available on record and liable to be set aside.

19. Accordingly, the impugned judgment dated 13.04.2022 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 21.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 11, 2026
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