



2026:DHC:4292



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

% Reserved on : 08.05.2026
Pronounced on : 14.05.2026
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+ **FAO 159/2018**

MAMTA MALIK & ORS.Appellants

Through: Mr. S.K. Vashishtha, Advocate

versus

UNION OF INDIA & ANR.Respondents

Through: Ms. Nidhi Banga, Senior Panel
Counsel for UOI

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 02.11.2017, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/20/2017.
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, as stated in the claim application, are that on 22.10.2016, one *Sanjay Malik* (hereinafter referred to as the “deceased”) had proceeded from *Ghaziabad* Railway Station for travelling towards *Sadar Bazaar, Delhi* after purchasing a valid journey ticket. It was the appellants’ case that during the course of the said journey, due to a sudden jerk and jolt, the deceased accidentally fell from the train near *Ghaziabad* Railway Station, resulting in fatal injuries, due to which he died on the spot.

4. Learned counsel appearing on behalf of the appellants, while assailing the impugned judgment, contends that the findings recorded by the Tribunal are contrary to the contemporaneous material available on record. It is submitted that the Tribunal selectively relied upon portions of the DRM/RPF inquiry while completely ignoring the Station Master memo, *jamatalashi* proceedings, post-mortem report and the admitted recovery and verification of a valid railway ticket from the person of the deceased. It is further contended that the entire railway inquiry proceeds merely on assumptions without any direct evidence whatsoever establishing trespass, suicide, self-inflicted injury or any criminal act attributable to the deceased.

5. *Per contra*, learned counsel appearing on behalf of the respondent supports the impugned judgment and submits that since no eyewitness to the occurrence was available, the Tribunal rightly concluded that the deceased became victim of his own negligence and the appellants failed to establish occurrence of an untoward incident within the meaning of Section 123(c) read with Section 124-A of the Act.

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

7. The first question which requires consideration is whether the death of



the deceased occurred in an “untoward incident”.

8. The official record itself establishes that the occurrence was a railway accident connected with railway movement within the railway premises. The Station Master Memo dated 22.10.2016 specifically records that information was received from the driver of SBJ E-Box Goods Train through walkie-talkie that one person had been run over near *Delhi* End Starter at Line no. 7. Pursuant thereto, GRP and RPF officials immediately reached the spot and initiated proceedings. The inquest proceedings prepared by GRP Ghaziabad further record that the body of the deceased was found between Main Line No. 7 near Pole Nos. 19/20A-19/22 within railway limits.

9. However, significantly, none of the railway witnesses or inquiry proceedings establish how exactly the deceased came upon the railway track, as alleged. No eyewitness whatsoever was produced by the Railways to establish that the deceased was crossing the track, walking negligently upon the railway line or had intentionally entered the track area. In fact, the report prepared by the Officer-In-Charge records that the “cause of accident” remained “unknown”. The DRM report itself records that no eyewitness to the occurrence could be found and no direct evidence regarding the precise manner of occurrence was available. Despite the aforesaid admissions, the inquiry nevertheless proceeded to infer that the deceased became victim of his “own negligence”. Such conclusion is clearly inferential and unsupported by any substantive evidence.

10. The Tribunal further failed to appreciate that the railway’s own operational record establishes heavy train movement through the relevant line during the relevant period. The DRM inquiry specifically records movement of Train No.12301 *Howrah Rajdhani* Express through Main Line



No.7 at approximately 9:50 AM at a speed of nearly 100 kmph. It further records that shortly thereafter, the driver of SBJ E-Box Goods Train noticed the dead body lying on Line No.7 and informed the Station Master through walkie-talkie, pursuant to which memo was issued at 10:20 hours. Thus, the material available on record clearly leaves open the entirely plausible possibility that the deceased first accidentally fell from a moving train and was thereafter run over by another passing train.

11. In cases involving accidental fall from moving trains followed by subsequent run-over by another train, exact identification of the train frequently becomes impossible. The appellants could not have been non-suited merely because the Railways themselves failed to conclusively determine the precise manner in which the occurrence took place.

12. What is further important is that the respondent failed to establish any statutory exception under the proviso to Section 124-A of the Act. There is absolutely no evidence on record suggesting suicide, self-inflicted injury, intoxication, insanity or commission of any criminal act by the deceased. The entire defence of the Railways rests merely upon assumptions drawn from the condition of the body and the place where it was found.

13. As per the law laid down by the Supreme Court in Union of India v. Rina Devi¹, death or injury while boarding or disembarking a train would amount to an “untoward incident” entitling a victim to compensation and will not fall under the proviso to Section 124-A merely on the plea of negligence of the victim and in addition to the aforesaid, the expression “accidental falling of a passenger from a train carrying passengers” deserves liberal interpretation.

¹ (2019) 3 SCC 572



14. In view of the aforesaid material, this Court is of the considered opinion that the appellants successfully established that the death of the deceased occurred in an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act.

15. Once the occurrence is held to be an “untoward incident”, the next issue which arises for consideration is whether the deceased was a *bona fide* passenger at the time of the incident.

16. The answer to the aforesaid issue again emerges from the contemporaneous record itself. It is not in dispute that a valid railway ticket bearing No.64358679 was recovered from the person of the deceased and the recovery of the said ticket stands consistently recorded in the inquest papers, DRM report as well. The railway authorities themselves verified the said ticket and accepted it to be genuine. The Tribunal failed to appreciate that once recovery of a valid journey ticket from the person of the deceased stood admitted by the Railways themselves, the initial burden regarding *bona fide* travel stood fully discharged. The burden thereafter shifted upon the respondent, to establish, through cogent evidence, that the deceased was not a *bona fide* passenger and the respondent has failed to discharge the said burden in the present case. {Ref: Rina Devi (supra)}

17. The RPF inquiry proceeds upon the reasoning that since the deceased was allegedly a “daily commuter”, he “should have” possessed a Monthly Season Ticket instead of an ordinary ticket. Merely because a person may frequently travel on a particular route cannot lead to the inference that he could never travel on an ordinary journey ticket. More importantly, such reasoning cannot override admitted recovery of a valid railway ticket from the person of the deceased.



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18. The findings recorded by the Tribunal are thus contrary to the contemporaneous official record and settled principles governing claims arising out of untoward railway incidents.

19. Accordingly, the impugned judgment dated 02.11.2017 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.

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 14, 2026

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