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

% Reserved on : 14.10.2026
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 # CNR No. DLHC010417152025

+ FAO 177/2025

HARI SINGH & ANR. .....Appellants

Through: Mr.Rajan Sood, Ms. Ashima Sood and Ms. Megha Sood, Advocates

versus

UNION OF INDIA .....Respondent

Through: Mr. Jagdish Chandra, CGSC with Ms. Maanya Saxena, Ms. Aishwarya Sinha, Ms. Vinita Solanki and Ms. Sanskriti Sharma, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 40201/2025 (Seeking condonation of delay of 800 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 800 days in filing the appeal.

2. Learned counsel for the appellants submitted that the appellants, being residents of District *Hapur*, *Uttar Pradesh*arepoor and illiterate persons, belonging to an economically weaker section anddue to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.

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3. At this stage, 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 "*Brijesh Kumar and Ors. vs. Union of India*"[2], allowed the application, and a delay of 1326 days was condoned, considering the financial hardship of the appellants and the surrounding circumstances.

4. Considering the peculiar facts and circumstances of the present case as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 800 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 177/2025

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 11.01.2023 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/68/2020, whereby the claim application filed by the appellants seeking compensation on account of the death of their daughter, *Sonam*(hereinafter referred to as the "deceased")was dismissed.

2. Briefly stated, on 13.08.2019, the deceasedwas travelling from *Delhi* to *Hapur* by Train No.15274 (*Raxaul* Express), along with a co-passenger,

[1](2017) SCC OnLine Del 10003
[2](2026) FAO 49/2022 (04.04.2026)

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being her friend. Her monthly season ticket had expired two days prior to the incident and, accordingly, she had purchased journey ticket No.00517904 for two passengers. The case of the appellants was that, owing to rush inside the compartment, the deceased was standing near the gate and, while the train was passing over a railway bridge near the *Dasna* Railway Station, she accidentally fell into the river below. Her body was subsequently recovered from the river.

3. *Vide* the impugned judgment, the Tribunal held that the appellants had failed to establish that the deceased was a *bona fide* passenger. It principally relied upon the fact that no ticket was recovered during the initial search of the body and that the inquest proceedings initially recorded recovery of articles as "nil". On the question of "untoward incident", the Tribunal disbelieved the version of the co-passenger and held that the circumstances did not establish an "accidental fall" from the train. The claim application was accordingly dismissed.

4. Learned counsel for the appellants contended that the Tribunal failed to appreciate the ticket verification reportwhich confirmed that ticket No.00517904 had been issued on 13.08.2019 at 14:18 hours. It was submitted that the Tribunal erred in treating the ticket as invalid by relying upon an online timetable without appreciating that the ticket was issued from *Delhi* Junction and that only two of the trains referred to by the Tribunal were operating via *Delhi* Junction. It was further contended that the actual Train Signal Register for the relevant date had not been produced by the Railways. On the question of "untoward incident", learned counsel relied upon the *panchnama* and the statement of AW-2/*Himani*, who supported the case that the deceased had fallen from Train No.15274.

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5. *Per contra*, learned counsel for the respondent was submitted that no journey ticket or monthly season ticket was recovered during the initial search of the deceased and that the inquest report initially recorded recovery of articles as "nil". It was further contended that the alleged ticket was subsequently introduced without preparation of a separate recovery memo and that the testimony of AW-1/*Hari Singh* was self-contradictory. Learned counsel also relied upon the discrepancy in the statements concerning the co-passenger, the absence of any report at *Dasna* Railway Station and the conclusion in the DRM report that the incident occurred due to her own negligence.

6. At the outset, the first question which arises for consideration is whether the deceased was travelling as a *bona fide* passenger on Train No.15274 at the relevant time. The Tribunal rejected the claim substantially on two grounds: first, that no ticket was recovered during the initial search of the bodyand second, that even if the ticket was available with the deceased, it could not have been used for the alleged journey in view of the time gap between its issuance and the scheduled departure of the train.

7. The ticket bearing No.00517904 is placed on record. More importantly, the Ticket Verification Reportsubmitted by the Railways records that the said ticket was issued from ATVM, *Delhi*, on 13.08.2019 at 14:18 hours for the journey from *Delhi* to *Hapur*. Thus, the factum of issuance of the ticket for the relevant journey is supported by the respondent's own record. The Tribunal, however, proceeded to doubt the deceased's status as a *bona fide* passenger primarily on account of the circumstances in which the ticket was stated to have been recovered.The aforesaid circumstances were certainly relevant for assessing the

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circumstances of recovery of the ticket. However, the Tribunal failed to draw a distinction between the factum of issuance of the ticket and the circumstances in which it came to be recorded in the inquest proceedings. The absence of a separate recovery memo, or the initial recording of recovery of articles as nil, could not displace the independent verification of the ticket by the Railways. Further, the explanation furnished by the appellants was that the ticket was found during the subsequent proceedings and was handed over to the police. The testimony of AW-1 regarding the recovery of the ticket was required to be considered in the context of the documentary material, and could not have been treated as sufficient to discard the ticket altogether.

8. The Tribunal further relied upon Railway Commercial Circular No.5 of 2016, which provides that, for a journey up to 199 kilometres, the journey is to commence from the originating station within three hours of the issuance of the ticket or up to the departure of the first train, whichever is later. It noticed that the ticket was issued at 14:18 hours and that Train No.15274 was scheduled to depart from *Shahdara* at 17:35 hours. The appellants specifically contended that the ticket was issued from *Delhi* Junction and that, out of the trains referred to by the Tribunal, only Train Nos.14312 and 14322 were operating via *Delhi* Junction, while the remaining trains originated from *Anand Vihar* Terminal. The actual Train Signal Register for Delhi Station for 13.08.2019 was also not produced by the respondent. In the absence of the actual movement particulars of the relevant trains, the online timetable relied upon by the Tribunal could not have been treated as conclusive to hold that the ticket was invalid for the journey undertaken by the deceased.

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9. At this stage, it is pertinent to note that in "*Union of India v. Rina Devi*"[3], the Supreme Court held that the initial burden of establishing that the deceased was a *bona fide* passenger rests upon the claimant. Such burden may be discharged by placing on record an affidavit setting out the relevant facts, whereafter the burden shifts to the Railways to rebut the claim on the basis of the evidence and attending circumstances. The Court also clarified that mere absence of a ticket from the person of the deceased does not negative the claim of bona fide travel. Applying the aforesaid principles to the evidence in the present case, the appellants have discharged the initial burden. The ticket was produced on record and its issuance for the journey from *Delhi* to *Hapur* on the relevant date was verified by the Railways themselves.

10. The next question is whether the death of the deceased occurred as a consequence of an accidental fall from a train carrying passengers, thereby constituting an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the "Act"). In this regard, it is relevant to notice that the RPF *Roznamcha* entry records that information was received from the Station Master, *Dasna*, regarding a girl having fallen from Train No.15274 near the river. The entry further records that Constable *Sudhir Kumar Tyagi* proceeded to the spot, where he found the girl in the river, having fallen from the said train while travelling from *Sahibabad* towards *Hapur*. The *panchnama* proceedings also record recovery of the body near the river and the railway bridge. These contemporaneous records lend support to the appellants' case and the Tribunal, however, did not give due consideration to the contents of the RPF

[3] (2019) 3 SCC 572

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Roznamcha entry and the *panchnama* while assessing the occurrence.

11. The Tribunal also relied upon the absence of a report at *Dasna* Railway Station and the statement of the Guard that he had no knowledge of the incident. However, the RPF *Roznamcha* entry itself records that the information regarding the girl having fallen from Train No.15274 was conveyed by the Station Master, *Dasna*, and that the RPF constable proceeded to the spot pursuant to such information. The absence of a separate station record or the Guard's lack of knowledge could not have been treated as sufficient to non-suit the appellants.

12. The Supreme Court in "*Union of India v. Prabhakaran Vijaya Kumar*"[4], the Supreme Court held that the provisions of Section 124-A of the Act are based on the principle of no-fault liability and that the expression "accidental falling of a passenger from a train carrying passengers" is to be given a liberal interpretation. The same principle was reiterated in "*Rina Devi*" (*supra*), wherein it was held that negligence on the part of the victim, by itself, would not take the case outside the ambit of Section 124-A, unless the case falls within one of the exceptions specifically enumerated therein. In the present case, the conclusion in the DRM report attributing negligence to the deceased does not establish that her death was covered by any of the exceptions under the proviso to Section 124-A. The respondent has not brought on record any material to establish that the deceased had intentionally inflicted injury upon herself or that the occurrence was otherwise covered by any statutory exception.

13. 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

[4](2008) 9 SCC 527

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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 11.12.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 19, 2026
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