



2026:DHC:1117



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

% Reserved on : 09.02.2026
Pronounced on : 10.02.2026
Uploaded on : 10.02.2026

+ **FAO 439/2019**

DAYAWATI & ORS

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Nidhi Raman (CGSC) with Mr.
Akash Mishra, 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, assailing the judgment dated 06.05.2019 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as “the Tribunal”) in Claim Application No. OA (Ilu) 207/2018, whereby the claim petition filed by the appellants seeking statutory compensation on account of the death of Late Shri *Babu Singh* (hereinafter as the ‘deceased’) in an untoward incident was dismissed.

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2. The appellants are the widow and children of the deceased and the claim petition before the Tribunal was instituted invoking the provisions of Sections 123(c) and 124-A of the Railways Act, 1989 (hereinafter referred to as “the Act”).

3. The case of the appellants before the Tribunal was that on the intervening night of 15/16.06.2018, the deceased was travelling from *Gorakhpur to New Delhi* after purchasing a valid journey ticket bearing No. UEN-81534152 dated 15.06.2018. When the train in which the deceased was travelling reached *Anand Vihar* Railway Station, and while he was in the process of de-boarding, he accidentally fell from the train and sustained grievous injuries. He was immediately removed to Lal Bahadur Shastri Hospital, Delhi, where he succumbed to the injuries during the course of treatment.

4. The appellants contended before the Tribunal that the deceased was a bona fide passenger travelling from Gorakhpur to New Delhi on a valid journey ticket. It was submitted that he accidentally fell from Train No. 13119 (Sealdah Express) at Platform No.1, Anand Vihar Railway Station while de-boarding, resulting in his death. Reliance was placed on contemporaneous records, including railway and police documents and the recovery of the journey ticket, to establish lawful travel and an untoward incident. The statement of the wife of the deceased was relied upon only to reflect the last communication regarding the deceased’s movement towards Delhi.



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5. The respondent contested the claim primarily on the basis of the DRM report and contended that since the deceased was found to have fallen from Train No. 13119 (*Sealdah Express*), which neither originates from *Gorakhpur* nor terminates at *New Delhi*, he could not be treated as a bona fide passenger.

6. Upon appreciation of the evidence, the Tribunal dismissed the claim petition holding that although the factum of a fall from Train No. 13119 at *Anand Vihar* Railway Station stood established, the appellants had failed to prove that the deceased was a bona fide passenger, as, according to the Tribunal, the journey ticket from *Gorakhpur* to *New Delhi* was not “compatible” with the train from which the deceased fell. On this reasoning alone, the claim petition was dismissed. The Tribunal relied solely on the DRM report.

7. Learned counsel for the appellants assailed the impugned judgment by contending that the Tribunal had adopted an unduly hyper-technical approach in rejecting the claim, despite the contemporaneous material on record. It was submitted that the documentary evidence relied upon by the appellants established both the occurrence of an “untoward incident” within the meaning of Section 123(c) of the Act and the bona fide status of the deceased. Learned counsel argued that the journey ticket was recovered from the person of the deceased during *jamatalashi* and was also subsequently verified by the Railways through CRIS, thereby lending corroboration to the appellants’ case of lawful travel. According to the appellants, once lawful travel and the occurrence of an untoward incident stood established, the



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liability under Section 124-A of the Act being one of strict or no-fault liability, compensation could not have been denied on technical or speculative grounds.

8. *Per contra*, learned counsel for the respondent supported the impugned judgment and reiterated that in the absence of proof as to when and where the deceased changed the train, the Tribunal was justified in denying compensation.

9. This Court notes that the occurrence of the incident is not in dispute. The record establishes that on 16.06.2018, the deceased fell from Train No. 13119 at Platform No.1, *Anand Vihar* Railway Station, while in the process of de-boarding the train. The medical evidence on record, including the MLC and death summary, corroborates that the death was a direct consequence of the injuries sustained in the said fall. The occurrence, therefore, answers the description of an “untoward incident” within the meaning of Section 123(c)(2) of the Act.

10. The sole ground on which the claim has been rejected is the Tribunal’s finding that the deceased was not a bona fide passenger. In this context, it is significant to note that the journey ticket bearing No. UEN-81534152 dated 15.06.2018 for travel from *Gorakhpur to New Delhi* was recovered from the person of the deceased during *jamatalashi*. The said ticket was thereafter verified as is evident from the record. The recovery and genuineness of the ticket are thus not in dispute.

11. The Tribunal has proceeded to disbelieve the bona fide status of the deceased solely on the premise that the appellants could not establish its



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claim that the deceased had changed trains midway to reach New Delhi Station.

12. The Tribunal noted the claimants' submission that the deceased though initially boarded *Awadh-Assam Express* at Gorakhpur but changed the train midway and boarded *Sealdah Express* either at *Kanpur* or *Moradabad* or *Ghaziabad* which were the common stations to both the trains. The Tribunal's insistence on proof of the precise station at which the deceased changed trains and its exercise of comparing scheduled arrival and departure timings of different trains proceeds on considerations of fault and conduct which are legally irrelevant in the context of Section 124-A of the Act. Even otherwise, the Tribunal did the comparative study of schedule timings in absence of actual arrival and departure timings of a particular train at any of the above train stations for which the Train Signal Register could have been placed on record. It is not uncommon that trains run behind schedule timings. Where an accident does not fall within any of the exceptions enumerated in clauses (a) to (e) of the proviso to Section 124-A, the claim is governed by the main body of Section 124-A. The liability under Section 124-A is one of strict or no-fault liability, and once the occurrence of an "untoward incident" within the meaning of the Act, is established, the question as to who was at fault becomes wholly irrelevant as noted in Union of India v. Prabhakaran Vijaya Kumar¹.

¹ (2008) 9 SCC 527



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13. In the present case, the respondent has failed to establish that the death of the deceased falls within any of the exceptions carved out under the proviso to Section 124-A. This Court also finds merit in the appellants' contention that the Tribunal has adopted an unduly rigid standard of proof, ignoring that proceedings under the Act is a piece of beneficial legislation intended to provide prompt relief to victims of railway accidents.

14. In view of the aforesaid discussion, this Court holds that the adverse inference drawn by the Tribunal against the appellants on the issue of bona fide travel is legally unsustainable. The findings recorded by the Tribunal are based on conjectures and surmises and are contrary to the settled legal position governing compensation under the Act. Consequently, the impugned judgment dated 06.05.2019 passed by the Railway Claims Tribunal, Principal Bench, Delhi in Claim Application No. OA (IIu) 207/2018 is set aside.

15. The accident in the present case occurred on 16.06.2018, i.e., after the revision of statutory compensation under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, which came into effect on 01.01.2017. The death of the deceased, therefore, squarely attracts the statutory compensation as prescribed under the said Rules, as applicable on the date of the accident. The appellants, being the dependents of the deceased, are accordingly held entitled to compensation of Rs.8,00,000/- with 12% interest p.a. from date of the order in terms of the law laid down



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by the Supreme Court in Union of India v. Rina Devi², The relevant extract is as under:

“18....Wherever it is found that the revised amount of applicable compensation as on the date of award of the Tribunal is less than the prescribed amount of compensation as on the date of accident with interest, higher of the two amounts ought to be awarded on the principle of beneficial legislation. Present legislation is certainly a piece of beneficent legislation. 19. Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts.”

16. Accordingly, the present appeal is allowed. The respondent is directed to release the aforesaid amount in favour of the appellants within a period of four weeks from the date of this judgment, in accordance with law.

17. The appeal is disposed of in the above terms.

**MANOJ KUMAR OHRI
(JUDGE)**

FEBRUARY 10, 2026/kb

² (2019) 3 SCC 572