



\$~23

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

+ **FAO 268/2018**

CHUNNI LAL & ORS

.....Appellants

Through: Mr. Ritik Singh, Advocate

Versus

UNION OF INDIA

.....Respondent

Through: Mr. Sahaj Garg, SPC with
Mr. Deepansh Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

27.02.2026

%

1. The present appeal is preferred under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 05.02.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi in OA (Ilu) No. 70/2017, whereby the application seeking death compensation filed by the appellants (legal heirs of the deceased) was dismissed.

2. Briefly, the claim application was filed stating that the deceased, Bharat, along with two other companions, had undertaken a journey on 01.10.2016 from *New Delhi to Ludhiana by Shan-e-Punjab Express* after purchasing a valid journey ticket bearing No. 11VIBND178. While the train was passing through *Holambi Kalan*, on account of a sudden jerk, the deceased fell from the moving train and suffered injuries. He was taken to the hospital. The body of the deceased was identified by his father and the post-mortem was conducted on 02.10.2016.



3. The Tribunal, while disbelieving the claim application as well as the testimony of Narinder (AW-2), who had accompanied the deceased, dismissed the claim application. One of the reasons for dismissal was that the scheduled departure time of Shan-e-Punjab Express from New Delhi Railway Station was 6:50 AM and it would have reached *Holambi Kalan* Railway Station at about 07:45 hours, whereas the body was discovered at about 14:00 hours. The body was found near the bushes alongside the track.

4. Learned counsel for the appellants, while assailing the impugned judgment, contended that the learned Tribunal erred in dismissing the claim application by concluding that the deceased was neither a bona fide passenger nor his death had occurred on account of an untoward incident.

5. The contentions are vehemently opposed by learned counsel for the respondent, who submits that the deceased was allegedly travelling near the door of the coach and that the fall, if any, occurred on account of his own negligence.

6. A perusal of the record would show that in the claim application, the claimants, being the legal heirs of the deceased, stated that the deceased was part of a dance troupe which had travelled from *Ludhiana* to *Delhi* to perform at a wedding on 30.09.2016 and had undertaken the return journey by train on 01.10.2016, when he boarded the train along with his colleagues, namely, *Narinder Kumar* and *Ravi*. The record further reveals that the body was discovered on the same day at about 14:00 hours. The deceased was taken to *Aruna Asaf Ali Hospital*, where the death report mentioned the “*apparent cause of death*” as “*fall from train*”. The statement of *Narinder Kumar* was recorded by the RPF on 02.10.2016. DD No. 16 was recorded at



P.S. ODRS on 01.10.2016 on receipt of information on discovery of the body of the deceased. As per the brief facts noted therein, it was mentioned that upon being assigned the DD entry, ASI *Devendra Kumar* reached the spot at KM No. 1921-1923 near Crossing Gate No. 13, *Holambi Kalan*, where an unknown male dead body was found beside the up railway line. Proceedings under Section 174 CrPC were conducted in which the injuries were noted. From the person of the deceased, one Samsung mobile phone was recovered. The body was sent for post-mortem examination to *Aruna Asaf Ali Hospital* and the father of the deceased was informed.

7. In the inquiry proceedings relating to the said DD entry, ASI *Devendra Kumar* also recorded the statement of HC *Ranvir Singh*, RPF *Narela*, who stated that on 01.10.2016, he had visited the spot on being informed by the Post In-charge of RPF about a body lying between KM Nos. 19/21 and 19/23. As noted above, the body was identified by the father of the deceased (*Chunni Lal*) and the cousin of the deceased (*Shakti*).

8. The statement of *Narinder Kumar*, who had accompanied the deceased on the said journey, was also recorded. He stated that he, along with the deceased and *Ravi*, had reached *New Delhi* Railway Station on 01.10.2016 and, after purchasing three journey tickets, boarded the *Shan-e-Punjab* Express in the general coach. The train was crowded. While he and *Ravi* managed to enter the coach, the deceased/*Bharat* could not and remained standing near the door. When the deceased was not found, they searched for him and, upon calling his mobile phone, were informed by the RPF Inspector about the incident. The statement of *Ravi* was also recorded to the same effect.

Narinder Kumar was examined before the Tribunal, where he



reiterated the aforesaid version.

9. The Tribunal doubted the version given in the claim application as well as the deposition of *Narinder Kumar* by observing that a total of 13 persons, including the deceased, had come to *Delhi*, but only three undertook the return journey. The Tribunal also relied upon the delay in the discovery of the body to assume that the deceased had not boarded the train and that it was some other three persons, along with *Narinder* and *Ravi*, who had boarded the *Shan-e-Punjab* Express on 01.10.2016.

10. This Court is of the considered opinion that the aforesaid observations of the Tribunal are merely speculative and not based on any documentary evidence on record. Pertinently, the respondent did not file any DRM report. The journey tickets having been recovered and verified, the Tribunal erred in brushing aside the testimony of *Narinder Kumar*, who had accompanied the deceased. The contention that the deceased was negligent in standing near the door is also misplaced. The Supreme Court in *Rina Devi*¹ has done away with the concept of self-negligence in train accident cases. The deposition of *Narinder Kumar* shows that the train was crowded and, although he and *Ravi* managed to enter the coach, the deceased could not, and for that reason had to stand near the door.

11. On a careful perusal of the records, this Court is of the considered opinion that not only the deceased was a *bonafide* passenger, the incident resulting in death of the deceased was also on account of untoward incident.

12. In view of the above, the impugned order is set aside and the matter is remanded back to the Tribunal to award the compensation. The Tribunal is requested to issue directions to ensure that the compensation assigned is



disbursed to the claimants within a period of two months from the receipt of the order. For this purpose, the matter be listed before the Tribunal at the first instance on 19.03.2026.

13. In view of the above, the appeal is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 27, 2026

na

¹ (2019) 3 SCC 572