



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

% Date of Decision: 20.04.2026

+ **FAO 348/2014**

NAMITA CHOPRA

.....Appellant

Through: Ms. Surbhi Soni and Mr. Aniket
Chauhan, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Satya Ranjan Swain CGSC and
Mr. Kautilya Birat, GP

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 27.05.2014 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/196/2012, whereby the claim application filed by the appellant came to be dismissed.
2. The brief facts of the case, as stated in the claim application, are that on the intervening night of 28/29.02.2012, one Sh. *Ravinder Nath Sharma* (hereinafter referred to as the “deceased”) was travelling from *Vivek Vihar* to *Delhi Jn.* by the *Ambala* Passenger Train, and while undertaking the said railway journey on the strength of a valid MST ticket, he suffered a fatal accident on the railway track, resulting in his death.
3. Learned counsel for the appellant assails the impugned judgment by contending that the Tribunal has erred in discarding the claim despite



consistent documentary evidence on record establishing the occurrence of a railway accident. It is submitted that the Tribunal has placed undue reliance on the alleged inconsistency in the testimony and perceived contradictions in timing, which do not go to the root of the matter. It is further contended that the recovery of a valid MST ticket from the person of the deceased, duly reflected in the inquest record, conclusively establishes the *bona fide* travel.

4. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that there is no reliable eye-witness to the occurrence and that the version put forth by the appellants suffers from contradictions, particularly with respect to the timing of the incident and subsequent investigation. It is further submitted that the DRM report indicates that the deceased was negligent and had come on the railway track on his own, and therefore the case does not fall within the ambit of an “untoward” incident under the Railways Act, 1989 (hereinafter referred to as the “Act”).

5. This Court has heard learned counsel for the parties and perused the material on record.

6. At the outset, the contemporaneous record placed on file leaves no manner of doubt that the incident in question occurred on railway premises and in connection with the railway operations. The DD entries, particularly DD No. 2PP and DD No. 4PP dated 29.02.2012, records the receipt of information at about 00:15 hours, regarding a “dead body lying near the railway track at KM No. 8/36, Vivek Vihar Railway Station”. The said information, significantly, was received through railway staff and immediately communicated to the concerned authorities. The Station Master memo further corroborates this position by recording that information



regarding a dead body lying near the track had been received and directions were issued for appropriate action. These documents are contemporaneous in nature and prepared in the ordinary course of official duty, and therefore carry substantial evidentiary value.

7. A perusal of the inquest report and *jamatalashi* clearly records that during the search of the deceased, an MST bearing No. 83237617, issued for travel from *Vivek Vihar* to *Delhi* and valid from 30.01.2012 to 29.04.2012, was recovered from his possession. The record further reflects that the deceased was travelling by the *Ambala* Passenger train on the said route at the relevant time. The said recovery of the ticket has not been rebutted by the respondent by any cogent material. Furthermore, the presence of a valid journey ticket on the person of the deceased, duly recorded in official proceedings, constitutes strong and direct evidence of the fact that the deceased was undisputedly a *bona fide* passenger of the aforesaid train at the relevant time. In terms of the law laid down by the Hon'ble Supreme Court in *Union of India v. Rina Devi*¹, once such foundational facts are established, the burden shifts upon the Railways to disprove *bona fide* travel, which burden, in the present case, remains wholly undischarged.

8. The Tribunal has, however, rejected the claim primarily on the basis of alleged inconsistencies in testimony and contradictions in timing. In the opinion of this Court, such reasoning suffers from a fundamental error in approach and the core fact, consistently reflected across all contemporaneous documents, namely, that the deceased was found on the railway track pursuant to an incident connected with train movement, remains unaffected.



9. Insofar as the statement of *Amar Singh* is concerned, the record shows that the same was recorded on the very same day of the incident as part of the inquest proceedings. The prompt recording of the said statement rules out any possibility of afterthought or fabrication by bringing a false witness. In the absence of any such motive, the rejection of the said statement by the Tribunal, without any cogent reasoning, cannot be sustained.

10. A perusal of the DRM report would show that it is not based on any direct evidence or eye-witness account. The conclusions drawn therein attributing “negligence” to the deceased stand contradicted by the recovery of a valid journey ticket and the contemporaneous material on record. It is well settled that such administrative reports cannot override primary evidence on record and cannot be accorded determinative evidentiary value.

11. In view of the aforesaid discussion, this Court is of the considered opinion that the cumulative effect of the contemporaneous documentary record, the recovery of the valid journey ticket clearly establishes that the deceased was a *bona fide* passenger and that his death occurred in the course of a railway accident, falling within the ambit of an “untoward incident” under the Act.

12. 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 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 06.05.2026.

¹ (2019) 3 SCC 572



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13. The appeal is allowed and disposed of in the above terms.
14. A copy of this judgment be communicated to the learned Tribunal.

MANOJ KUMAR OHRI
(JUDGE)

APRIL 20, 2026/
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