



2026:DHC:889



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

% Date of Decision: 23.01.2026

+ **FAO 542/2018**

SUNITA GUPTA & ANRAppellants
Through: Mr. Rajeshwar Singh, Advocate.

versus

UNION OF INDIA& ANRRespondents
Through: Mr. Sandeep Tyagi, SPC for UOI.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

CM APPL. 49569/2018 (D/860 days in filing the present appeal)

1. The present application has been filed under Section 5 of the Limitation Act, 1963, read with Section 151 CPC, on behalf of the appellants, seeking condonation of delay of 860 days in filing the accompanying appeal.
2. It is submitted that after the passing of the impugned judgment, the appellants could not file the accompanying appeal in time on account of not being aware of the judgment passed, a paucity of funds, and dire familial circumstances.
3. It is worthwhile to note that the Coordinate Bench of this Court, in *Mohsina Vs. Union of India*¹, condoned a delay of over 800 days in filing an appeal assailing a judgment passed by the Railway Claims Tribunal,

¹ (2017) SCC OnLine Del 10003



taking into account the poor economic status of the claimants/appellants.

The relevant excerpt from the said decision is reproduced hereunder:-

“4. The appellants are seeking condonation of delay of 804 days in filing the appeal on the ground that appellant no. 1 is an illiterate and poor lady; she lost her husband in the train accident; her father-in-law was pursuing the case before the Claims Tribunal; her father-in-law expired, whereupon her mother-in-law threw her out from the matrimonial home and she is residing with her father who is also handicapped; she was working as a maid servant to make both ends meet; her cousin came from abroad on 02nd May, 2013 and felt pity over her and made enquiries from the Claims Tribunal and thereafter, helped her in filing the appeal.

5. Considering the extreme poverty and illiteracy of the appellants, the application is allowed and the delay in filing the appeal is condoned subject to the condition that the appellants would not be entitled to interest for the delayed period of 804 days.”

4. Considering the poor economic circumstances of the appellants, the illiteracy of appellant no. 1 (the wife of the deceased), the other averments made in the application, and the import of the decision in Mohsina (*supra*), the present application is allowed and the delay of 860 days in filing the accompanying appeal is condoned.

5. The present application is disposed of accordingly.

FAO 542/2018

1. By way of present appeal, the appellants seek to assail the judgment dated 20.06.2016 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter “the Tribunal”) in Claim Application No. OA (II u) 32/2015.

2. Learned counsel for the appellants submits that the Tribunal failed to appreciate that even though the journey ticket was not found, in terms of the inquiry conducted by the GRP, the incident in which the deceased had received fatal injuries was on account of a fall from the train. In the



present case, the claim petition was filed before the Trial Court claiming that the deceased had undertaken a train journey on 27.07.2014 from *Gorakhpur* Railway Station to *Delhi* Railway Station by an unknown train. It was further claimed that the deceased had undertaken the journey after purchasing a valid journey ticket and, when the train reached the *Lucknow* Railway Station, on account of a sudden jerk, the deceased fell down, resulting in his death.

3. The Tribunal, *inter alia*, framed the following two substantial issues:-

“(1) *Whether the death of the deceased occurred while travelling as a bonafide passenger, due to fall from the said train?*

(2) *Whether this is an untoward incident as defined under Section 123 (c) of the Railways Act?”*

4. While considering the first issue, the Tribunal noted that although a mobile phone was recovered, no journey ticket was recovered from the purse of the deceased. To overcome this, one of the claimants, Ms. *Sunita Gupta*, the wife of the deceased, was examined; she stated that the deceased had undertaken the journey after purchasing a valid journey ticket. She was cross-examined, in which she admitted that she had not accompanied her husband on the said journey. She was not a witness to the deceased either boarding or falling from the train. She further admitted that she had not even seen the deceased purchasing the journey ticket and stated that the aforesaid information was only relayed to her by some police officer.

5. Indeed, the body of the deceased was found on the railway track. The Tribunal, however, took into account the Untoward Incident Register of the Station Master, *Lucknow* Railway Station (Ex. R-2), wherein it is stated that on 27.07.2014, no information regarding any person getting injured or deceased was recorded.



6. In the considered opinion of this Court, since no journey ticket was recovered, the claimants failed to discharge the initial burden in terms of Union of India Vs. Reena Devi² by not examining any person who had witnessed the deceased purchase a valid journey ticket before undertaking the concerned journey.

7. After going through the entire Tribunal record, this Court finds no reason to interfere with the impugned judgment; the present appeal is, accordingly, dismissed.

8. The present appeal is disposed of in the above terms.

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 23, 2026/rd

² (2019) 3 SCC 572