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

% Reserved on : 25.09.2026
Pronounced on : 29.10.2026
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 # CNR No.DLHC015399992017

+ FAO 15/2018

AMI CHAND .....Appellant
Through: Mr. Rohit Nagar, Advocate

versus

UNION OF INDIA .....Respondent
Through: Mr. T.P. Singh, SPC for UOI

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 against the judgment dated 04.07.2017 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/165/2016, whereby the claim application filed by the appellant seeking compensation for injuries sustained in a railway accident was dismissed.

2. The facts, in brief, are that the appellant claimed to have undertaken a journey from *Jalandhar* to New *Delhi* on 01.02.2016 by Train No. 12498, (*Shane Punjab* Express), after purchasing a valid journey ticket. His case was that when the train was approaching *Sadar*

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Bazar Railway Station, he came near the gate of the compartment to prepare for his arrival at New *Delhi*Railway Station. Owing to a sudden jerk and the pushing of passengers inside the compartment, he accidentally fell from the moving train and sustained grievous injuries. The appellant was initially taken to a Government hospital and was thereafter admitted to *Lok Nayak* Hospital, New *Delhi*, on 02.02.2016. He remained admitted till 18.02.2016, and his left leg was ultimately amputated on account of the injuries sustained in the incident.

3. *Vide* the impugned judgment, the Tribunal, while acknowledging that the appellant had fallen from the running train and sustained injuries resulting in the amputation of his left leg, held that, though the accident was duly covered under the definition of the "untoward incident" of the Railways Act, 1989 (hereinafter referred to as the "Act"), he failed to establish that he was a *bona fide* passenger. The Tribunal relied upon the non-production of the journey ticket, the absence of independent evidence regarding its purchase, and the variation between the appellant's account in the claim proceedings and his statement recorded by the Railway Protection Force (RPF). It also relied upon the statement attributed to one *Shri Kali Charan* in the DRM Report. Having returned the aforesaid finding, the Tribunal dismissed the claim application.

4. Learned counsel for the appellant assails the impugned judgment, contending that the appellant had categorically stated in his claim application and affidavit that he had purchased a valid journey ticket, and the mere fact that the ticket was not recovered after the accident could not, by itself, lead to the conclusion that no ticket had

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been purchased. It is further contended that the occurrence of the fall and the grievous injuries sustained by the appellant stand established from the material on record, including the medical records. The finding that the appellant was not a *bona fide* passenger is, therefore, stated to be contrary to the settled position of law.

5. Learned counsel for the respondent, on the other hand, states that the appellant failed to produce the journey ticket or any independent evidence to establish its purchase. It is further contended that the appellant's varying versions regarding the circumstances in which he fell from the train, read with the statement attributed to *Kali Charan* in the DRM Report, cast doubt upon his case.

6. This Court has heard the learned counsel for the parties and perused the record. The only question which arises for consideration is whether the Tribunal was justified in rejecting the appellant's claim on the ground that he had failed to establish his status as a *bona fide* passenger, notwithstanding the undisputed fact that he sustained grievous injuries in a fall from the running train.

7. The question of the burden of proof concerning the status of a *bona fide* passenger, particularly where the journey ticket is not recovered, is no longer res integra. In "*Union of India v. Rina Devi*"[1], the Supreme Court held that the mere absence of a ticket with an injured or deceased person does not negate the claim that such person was a *bona fide* passenger. The initial burden rests upon the claimant and may be discharged by filing an affidavit setting out the relevant facts of the journey. Upon discharge of this initial burden, the onus

[1](2019) 3 SCC 572

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shifts to the Railways, and the issue is to be decided on the basis of the facts established and the attending circumstances.

8. Tested on the aforesaid principles, the had specifically pleaded that he had purchased a journey ticket for travelling from *Jalandhar* to New *Delhi*. The said assertion was reiterated in his affidavit before the Tribunal.The appellant, thus, discharged the initial burden of establishing his status as a *bona fide* passenger and that the respondent failed to rebut the same by cogent evidence.

9. Pertinently, the Tribunal proceeded on the premise that, since the appellant was conscious enough to make an emergency call to the police, he would necessarily have known if his ticket had been taken away. The inference drawn in this regard is speculative. The fact that the appellant was able to make a telephone call does notestablish that he retained possession of every article which he had been carrying before the accident. Nor does the non-recovery of the ticket establish that it had never been purchased in the first place. The Tribunal was required to assess the appellant's assertion in the light of the settled law, the attending circumstances and in view of the beneficial nature of the concerned legislation, rather than reject it on the basis of an inference which is not borne out by the record.

10. It is also noticed that the Tribunal placed considerable reliance upon the variation between the appellant's account of the accident and the statement recorded during the investigation. In the claim application, the appellant attributed his fall to a sudden jerk and the pushing of passengers inside the compartment, whereas in his statement recorded by the Railway Protection Force, he referred to the

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snatching of his purse and being pushed by an unknown person. The absence of a reference to the alleged snatching in the FIR was also noticed by the Tribunal. However, these circumstances do not displace the consistent and material assertion that the appellant suffered a fall from the train and sustained injuries. The precise circumstances leading to the fall, as narrated in the two versions, may differ, but such variation cannot, in the facts of the present case, be elevated to a ground for rejecting the claim in its entirety.

11. 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 13.01.2027.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 29, 2026
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