



2026:DHC:7398



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

% Reserved on : 21.08.2026
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CNR No. DLHC010761382023

+ **FAO 199/2023**

SWEETY KUMARI & ORS.Appellants
Through: Mr. Satish Kumar, Advocate

versus

UNION OF INDIARespondent
Through: Mr. Vikrant N. Goyal, Mr.
Inderpreet Singh and Mr. Kunal
Dixit, Advocates

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 30.06.2022 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in O.A. No. OA(IIu)/GZB/297/2018.

2. Briefly stated, the case of the appellants is that on 01.11.2017, one Vivek Kumar (hereinafter referred to as the "deceased") aged about 35 years, was travelling from Ghaziabad to Chhapra by train on strength of a valid journey ticket. It was pleaded that, due to heavy



2026:DHC:7398



rush in the compartment, he was standing near the door and, when the train reached near *Dasna* Flyover, *Ghaziabad*, he fell from the running train on account of a sudden jerk, sustained grievous injuries and died at the spot. The journey ticket was stated to be lost in the incident.

3. Learned counsel for the appellants submits that the Tribunal erred in rejecting the claim on account of non-recovery of the journey ticket, despite the specific case of the appellants that the ticket had been lost in the occurrence. It is submitted that the deceased had left *Ghaziabad* for *Chhapra* on 01.11.2017, thereafter went missing, and was ultimately found dead at *Dasna* Flyover, while the *panchnama* and post-mortem report establish the occurrence and the fatal injuries. It is further submitted that the DRM inquiry was conducted after an unexplained delay of about one year and five months and, therefore, its conclusion could not displace the contemporaneous police and medical record.

4. Learned counsel for the respondent, on the other hand, submits that no journey ticket was recovered from the deceased and no independent eyewitness has been produced to establish that he had boarded the train or fallen therefrom. It is further submitted that there was no entry regarding the occurrence in the Station Master's records and that the DRM inquiry did not find any material establishing that the deceased died on account of a fall from a running train.

5. Coming first to the question whether the deceased was a *bona fide* passenger, the appellants' specific case is that the deceased was travelling on strength of a valid journey ticket, which was lost in the occurrence, and the same cannot by itself, conclude the issue against



2026:DHC:7398



the appellants. In this regard, a gainful reference may be made to the decision of the Supreme Court in “Union of India v. Rina Devi”¹ as well as the recent ruling in “Lata v. Union of India”², wherein it was reiterated that the claimant is only required to discharge the initial burden by placing the foundational facts on record

6. Applying the aforesaid to the present case, the appellants have relied upon the affidavit of *BharatSingh*, father of the deceased, who appeared as AW-1, wherein he specifically stated that his son was travelling with a valid journey ticket and that the said ticket was lost at the time of the incident. Thus, the assertion regarding the purchase and possession of the journey ticket is not merely a plea in the claim application but stated on oath by the father of the deceased. This is precisely the nature of evidence contemplated in *Rina Devi*(supra) for discharging the initial burden. Once such an affidavit was brought on record, the burden shifted upon the Railways to show, from the facts or attending circumstances, that the deceased was not a *bona fide* passenger and they have not brought any such cogent material on record.

7. The next question is whether the death of the deceased occurred in an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”).

8. On this aspect, the contemporaneous material assumes significance. The police record shows that the dead body was found at

¹(2019) 3 SCC 572

² 2026 SCC OnLine 1350



2026:DHC:7398



Dasna Flyover, Km. 131/24-26, after information regarding the incident was received and the *panchnama* was prepared. The body was subjected to post-mortem examination on 02.11.2017.

9. The principal material relied upon by the Railways to dispute the manner of occurrence is the DRM inquiry report dated 22.04.2019. The incident, however, took place on 01.11.2017. The inquiry report itself records that no information regarding the occurrence had been entered in the Station Master's offices at *Dasna* and *Mehrauli*, that Form No. 01 had not been prepared and that, consequently, Form No. 02 was also not prepared. Thus, there was no contemporaneous railway inquiry recording the circumstances of the occurrence.

10. Additionally, the delay in the DRM inquiry is not a mere procedural irregularity in the facts of the present case. The aspect of belated filing of a DRM report has been commented upon by this Court in "*Bhola v. Union of India*"³, the relevant extracts wherefrom are as under:

"2. There is a delay of 14 months in submitting the DRM Report....

4. The claim petition was filed on 27.07.2014, the DRM Inquiry was initiated thereafter and a report was filed 7 months later. The delay in initiating an inquiry is fatal to the facts of the case because what essentially needs to be gathered is what happened on the date of accident. The medical reports and the police records show that an accident happened on 08.10.2012 and the cause of the accident was, the appellant having been fallen from a moving train. The DRM Report does not address any of these aspects. On the contrary it says that since no ticket was produced to support the claim of the appellant, of him being a bona fide

³(2018) SCC OnLine Del 13486



2026:DHC:7398



passenger, therefore by conjecture, he could have well suffered a self-inflicted injury while crossing the railway tracks. Reliance was placed upon the judgment of the Supreme Court in *KalandiCharan Sahoo and Anr. vs. General Manager, South-East Central Railways, Bilaspur* in Civil Appeal No. 5608/2017.”

It has been consistently held that delay in initiating an inquiry is fatal, as what is required to be ascertained is what transpired at the time of the incident. A delayed inquiry, based on incomplete or unavailable record, cannot form the basis of denial of a claim. The DRM report, therefore, being prepared after an inordinate delay, is of no evidentiary value and cannot override the contemporaneous record available on file.

11. The same reasoning applies with greater force here. The DRM inquiry was completed only on 22.04.2019, nearly one year and five months after the death of the deceased. More importantly, the inquiry did not uncover any contemporaneous railway record contradicting the occurrence pleaded by the appellants. On the contrary, the report itself records the absence of the prescribed forms and the absence of any Daily Diary entry at the concerned stations. Furthermore, there is no material on record establishing any alternative cause of death, whereas the DRM report merely records that the exact manner of the fall could not be established during the belated inquiry. The absence of an eyewitness to the actual fall also does not, in these facts, justify rejection of the claim.

12. Hence, on a cumulative consideration of the contemporaneous police and medical record, the location where the body was found, the absence of any established alternative cause of death, and the limited



2026:DHC:7398



evidentiary value of the belated DRM inquiry, this Court is of the view that the death of the deceased resulted from an “accidental fall” from a train and therefore constituted an “untoward incident” within the meaning of the Act.

13. Accordingly, 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 appellants 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 21.09.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER01, 2026

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