



2026:DHC:7394



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

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CNR No. DLHC012651452017

+ **FAO 126/2018**

MAYA GHOSH & ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

UNION OF INDIARespondent
Through: Mr. Vedansh Anand, SPC with
Mr. Shivam Kumar, GP and
Mr.Kush Garg, Advocate

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 30.11.2016 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application bearing No. OA/II(U)/63/2016.

2. The facts in a nutshell are that on 21.10.2015, one *Sh. Rajesh Ghosh* (hereinafter referred to as the "deceased"), aged about 26 years, was travelling from *Hazrat Nizamuddin* Railway Station to *Jhansi* by Train No.14310, (*Dehradun-Ujjain* Express). It was the case of the



2026:DHC:7394



appellants that the deceased had purchased a journey ticket for the said journey and had boarded the train. During the course of the journey, when the train reached between *Tugalkabad* and *Okhla* Railway Stations, due to heavy rush inside the compartment and a sudden jerk of the moving train, the deceased fell from the train and sustained fatal injuries.

3. Learned counsel for the appellants have assailed the impugned judgment by submitting that the Tribunal erred in holding that the deceased was not a *bona fide* passenger merely because the journey ticket was not recovered from his person. It was submitted that the evidence of AW-2/*Jitendra* specifically established the purchase of the ticket by the deceased and that the ticket had been kept in his bag, which was lost in the incident. Reliance was placed upon the decision of the Supreme Court in “*Union of India v. Rina Devi*”¹ as well as the subsequent decision in “*Lata v. Union of India*”².

4. On the contrary, learned counsel for the respondent submitted that the appellants had failed to discharge the burden of establishing that the deceased was a *bona fide* passenger. It was submitted that no journey ticket was recovered from the deceased despite cash and old railway tickets having been recovered from his body and, therefore, the Tribunal had rightly drawn an adverse inference against the appellants.

5. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the deceased died in an “untoward

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



2026:DHC:7394



incident” within the meaning of the Act. The Tribunal was of the opinion that a fall while attempting to board the train, whether from the platform side or the offside, qualifies as an untoward incident. The place and manner of the fall were not in serious dispute and since the said finding has not been challenged by the respondent, it has, therefore, attained finality.

6. The controversy in the present appeal is, therefore, confined to the issue as to whether the deceased was a *bona fide* passenger at the time of the incident.

7. It is trite law that mere fact that no journey ticket was recovered from the deceased cannot, by itself, be treated as sufficient to reject the claim. It is trite law that mere non-recovery of the journey ticket cannot, by itself, lead to the conclusion that the deceased was not a *bona fide* passenger. In Rina Devi (supra), the Supreme Court held that the initial burden upon the claimants is not an unduly onerous one and can be discharged by placing the attendant facts and circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by leading cogent evidence. The aforesaid principle has recently been reiterated in Lata (supra).

Pertinently, the Tribunal noted that two old tickets dated 14.09.2015 and 26.09.2015, some papers and cash of Rs.326/- had been recovered from the body and observed that if the deceased had possessed the journey ticket for 21.10.2015, the same should also have been found and further relied upon the fact that, according to the appellants, the deceased had kept the ticket in his bag.

8. The aforesaid reasoning, however, overlooks the specific



2026:DHC:7394



evidence led by the appellants on the question of purchase of the journey ticket. AW-2/Jitendra categorically deposed that on 21.10.2015 he accompanied the deceased to *Hazrat Nizamuddin* Railway Station and helped him purchase the ticket for Rs.145/- for his travel to Jhansi. He further stated that the deceased kept the ticket inside his bag along with money and other articles and thereafter boarded the train, whereupon AW-2 returned to his home.

9. The testimony of AW-2 is material because he is not merely repeating what he was subsequently told by the family members of the deceased. His evidence is that he “himself accompanied” the deceased to the railway station and assisted him in purchasing the ticket. The said testimony is further corroborated by the testimony of AW-1/*Maya Ghosh*.

10. At this stage, a gainful reference may be made to the decision in “*Bhola vs. Union of India*”³, wherein it was observed that mere absence of ticket at the earliest stage or discrepancies regarding recovery thereof would not by itself be sufficient to discard a claim as the ticket could have popped out of the passenger’s pocket or otherwise lost after he fell down from the train.

11. It is also material that the Railways have not countered the said evidence to establish that the deceased had boarded Train No.14310 without a ticket. The DRM Report proceeds principally on the absence of a ticket from the deceased and, on that basis, describes him as ticketless.

12. In view of the above, the impugned judgment is set aside and

³AIRONLINE 2018 DEL 3278



2026:DHC:7394



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 21.09.2026.

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

SEPTEMBER01, 2026

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