



2026:DHC:8126



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

% Reserved on : 03.09.2026
Pronounced on : 21.09.2026
Uploaded on : 21.09.2026

+ **FAO 77/2022**

PHOOLI DEVIAppellant

Through: Mr. Ritik Singh, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Vikrant Nitesh 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 21.10.2021 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in OA/II(u)/DLI/398/2020 whereby the claim application filed by the appellant seeking compensation on account of the death of her son, *Ramesh Meena* (hereinafter referred to as the “deceased”, came to be dismissed.

2. Briefly stated, on 13.11.2019, one *Ramesh Meena* (hereinafter referred to as the “deceased”) was travelling with his brother-in-law, *Babulal*, from *Jatusana* to *Kund* via *Rewari*. They had purchased



Ticket No. UDA23916912 for two adult passengers and travelled upto *Rewari*, from where they boarded Passenger Train No.59720 for *Kund*. According to the appellant, the deceased remained in the train when *Babulal* got down at *Kund*. Later that day, the deceased was found dead near the railway line between *Rewari* and *Khori*.

3. Learned counsel for the appellant, while assailing the impugned judgment, contends that the Tribunal adopted a strict and restrictive approach in appreciating the evidence. It is submitted that the journey ticket for two passengers was duly verified from *Jatusana* Railway Station and the testimony of *Babulal*/AW-2, who had accompanied the deceased, could not have been discarded merely on account of his relationship with the deceased. It is further submitted that the circumstances in which the body was found, the post-mortem report and the material collected during the investigation support the case of an accidental fall from the train. Reliance is placed upon “*Union of India v. Rina Devi*”¹ to contend that the initial burden upon the claimant is not onerous and the claim is to be considered on the touchstone of preponderance of probabilities.

4. Learned counsel for the respondent, on the other hand, submits that the Tribunal rightly rejected the claim as there is no reliable evidence that the deceased fell from Train No.59720. It is submitted that neither the Loco Pilot nor the Guard had received any information regarding a passenger falling from the train and there was no alarm-chain pulling or report of any such occurrence at *Khori* Railway Station. It is further submitted that no ticket was recovered from the

¹2019) 3 SCC 572



deceased and that the ticket was subsequently produced by *Babulal*, whose testimony was found doubtful by the Tribunal.

5. Coming first to the question whether the deceased was a *bona fide* passenger, the record shows that Ticket No. UDA23916912 was issued from *Jatusana* for two adult passengers for the journey to *Kund* via *Rewari*. The ticket was subsequently verified from the issuing station and its genuineness has not been disputed. The fact that the ticket was not recovered from the person of the deceased cannot, by itself, dislodge his status as a *bona fide* passenger, particularly when the ticket was produced by *Babulal*, who had accompanied the deceased on the journey. The initial burden having been discharged, the deceased is held to have been a *bona fide* passenger.

6. The Tribunal, however, discarded the testimony of *Babulal*/AW-2 principally on account of his relationship with the deceased and the circumstances in which he deboarded at *Kund*. In the opinion of this Court, these circumstances, even if they raise some doubt regarding his conduct, cannot by themselves render his testimony false, particularly when it finds corroboration from the journey ticket and the surrounding record. The finding of the Tribunal that *Babulal* was introduced as a false witness, therefore, cannot be upheld.

7. The next question is whether the deceased met with 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”). The Tribunal appears to have attached considerable significance to the fact that no person had witnessed the actual fall and



that no contemporaneous information regarding such occurrence was received by the railway staff. In the opinion of this Court, neither circumstance can, by itself, lead to the conclusion that no such incident itself had occurred. An accidental fall from a moving train is, by its very nature, an occurrence which may not necessarily be witnessed by other passengers or noticed by railway personnel. The absence of direct evidence of the precise moment of the fall, therefore, cannot be converted into positive evidence against the claimant.

8. The approach has to be consistent with the nature of the liability contemplated under Section 124-A of the Act. The provision embodies a statutory scheme of strict liability and is intended to provide compensation in cases of “untoward incidents” without requiring the claimant to establish negligence on the part of the Railway Administration. In “Union of India v. Prabhakaran Vijaya Kumar”², the Supreme Court held that Section 124-A lays down strict liability or no fault liability in case of railway accidents. Hence, if a case comes within the purview of Section 124-A, it is wholly irrelevant as to who was at fault. The relevant portion of the judgment is reproduced hereunder:

“10. We are of the opinion that it will not legally make any difference whether the deceased was actually inside the train when she fell down or whether she was only trying to get into the train when she fell down. In our opinion in either case it amounts to an “accidental falling of a passenger from a train carrying passengers”. Hence, it is an “untoward

²(2008) 9 SCC 527



incident” as defined in Section 123(c) of the Railways Act.

11. No doubt, it is possible that two interpretations can be given to the expression “accidental falling of a passenger from a train carrying passengers”, the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion the latter of the abovementioned two interpretations i.e. the one which advances the object of the statute and serves its purpose should be preferred.....

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14. In our opinion, if we adopt a restrictive meaning to the expression “accidental falling of a passenger from a train carrying passengers” in Section 123(c) of the Railways Act, we will be depriving a large number of railway passengers from getting compensation in railway accidents. It is well known that in our country there are crores of people who travel by railway trains since everybody cannot afford travelling by air or in a private car. By giving a restrictive and narrow meaning to the expression we will be depriving a large number of victims of train accidents (particularly poor and middle class people) from getting compensation under the Railways Act. Hence, in our opinion, the expression “accidental falling of a passenger from a train carrying passengers” includes accidents when a bona fide passenger i.e. a passenger travelling with a valid ticket or pass is trying to enter into a railway train and falls down during the process. In other words, a purposive, and not literal interpretation should be given to the expression.



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17. Section 124-A lays down strict liability or no fault liability in case of railway accidents. Hence, if a case comes within the purview of Section 124-A it is wholly irrelevant as to who was at fault.

9. Similarly, in “Union of India v. Amit Parashar”³ this Court, while considering the principle laid down by the Supreme Court in the aforesaid decision, noted that the absence of direct evidence as to how the deceased fell, therefore, cannot, by itself, be treated as evidence that he did not fall from the train. The same principle assumes significance in the present case, where the Tribunal has substantially relied upon the absence of any contemporaneous report by the railway staff to draw an adverse inference against the occurrence itself.

10. The beneficial character of the statutory scheme also cannot be lost sight of while determining whether an occurrence constitutes an “untoward incident”. What is required is an assessment of the evidence as a whole on the touchstone of preponderance of probabilities. The fact that the fall was not witnessed, or that no immediate information was received by the railway authorities, may explain the absence of direct or contemporaneous evidence, but cannot be elevated into positive evidence against the occurrence of the accident. In the present case, there is no cogent material establishing an alternative manner of death so as to displace the case of an accidental fall. The absence of an eyewitness or an immediate report to the railway authorities, therefore, cannot, by itself, defeat the claim.

³2017 SCC OnLine Del 10004



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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 15.10.2026.

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

SEPTEMBER 21, 2026

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