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

% Reserved on : 23.09.2026
Pronounced on : 28.10.2026
Uploaded on : 28.10.2026

\+ **FAO 394/2024**

SMT. RAJ KUMARI & ORS. .....Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood and Ms. Megha Sood, Advocates

versus

UNION OF INDIA .....Respondent
Through: Mr. Rajesh Kumar, SPC

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 10.07.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/349/2023.

2. Briefly stated, the case of the appellants before the Tribunal was that on 10.12.2022, *Rakesh Chandra* (hereinafter, the "deceased"), aged about 60 years, was travelling from *Sidhirampur* Railway Station to *Bilhaur* Railway Station by an EMU train after purchasing a valid railway ticket. It was pleaded that, during the course of the said travel, the deceased accidentally fellfrom the train and sustained fatal injuries and died on the spot. The appellants, being the wife, son and daughters of the deceased, thereafter

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

approached the Tribunal seeking compensation.

3. The Tribunal dismissed the claim application by holding that the deceased was not a *bona fide* passenger and that his death did not result from an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act"). In arriving at this conclusion, the Tribunal relied upon the DRM report and the railway records, including the statements attributed to the Loco Pilot and Guard of Train No. 05344. It inferred that the deceased was hit by a train while crossing the railway line and had not been travelling on the train in question. The Tribunal also relied upon the discrepancies in the testimonies of the son of the deceased, AW-1/*Kishan Kumar* and AW-2/*Manoj Kumar*, particularly concerning the time at which the deceased was allegedly put on the train.

4. Before this Court, Mr. *Sood*, learned counsel for the appellants contends that the Tribunal failed to appreciate the evidence in its entirety. He submitted that AW-1 specifically stated that the deceased had purchased a railway ticket and boarded the train, while AW-2 supported the case regarding the purchase of the ticket and boarding. It is further contended that the non-recovery of the ticket could not, by itself, lead to the conclusion that the deceased was not a *bona fide* passenger. Learned counsel submits that the railway records establish that the deceased was found dead on the railway track, but do not establish that he was crossing the railway line when he came into contact with a train.

5. On the contrary, learned counsel for the respondent, while defending the impugned judgment, submitted that the version set up by the appellants is not borne out by the contemporaneous railway and police records. Particular reliance is placed upon the discrepancies between the testimonies

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

of AW-1 and AW-2, the time recorded in the railway records regarding the discovery of the body, and the statement attributed to AW-2 before the police. It is contended that the Tribunal rightly concluded that the appellants had failed to establish either the deceased's status as a *bona fide* passenger or the occurrence of an "untoward incident".

6. This Court has heard the learned counsel for the parties and perused the record, including the impugned judgment, the depositions of AW-1 and AW-2, the Station Superintendent's memo, the *Panchnama*, the post-mortem report and the DRM report.

7. The first question which arises for consideration is whether, in case of non-recovery of a journey ticket, the deceased could be accorded with the status of a *bona fide* passenger. The legal position in this regard stands settled by the Supreme Court in "*Union of India v. Rina Devi*"[1], wherein it was held that the initial burden upon a claimant to establish *bona fide* passenger status is not onerous and that the attending circumstances must be considered in determining whether such burden stands discharged. The principle has also been recently reiterated in "*Lata v. Union of India*"[2]and "*Sukhabhai Nanjibhai Makwana & Anr. v. Union of India*"[3].

In the present case, AW-1/*Kishan Kumar*, son of the deceased, categorically stated that his father had purchased a ticket for travelling from *Sidhirampur* to *Bilhaur* and had boarded the train. He further stated that the ticket was lost in the incident. AW-2/*Manoj Kumar*, son-in-law of the deceased, also deposed that he had witnessed the purchase of the ticket and the boarding of the train. The fact that the ticket was not recovered,

[1](2019) 3 SCC 572
[2]2026 SCC OnLine SC 1350
[3]2026 INSC 1056

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

therefore, cannot be treated as conclusive against the appellants. Applying the principle laid down in "*Rina Devi*" (*supra*), the assertion that the deceased had purchased a ticket and boarded the train, supported by the testimony of AW-2 on that aspect, was required to be considered along with the surrounding circumstances. The discrepancies in the evidence, discussed hereafter, however, do not justify rejecting the deceased's status as a *bona fide* passenger merely on account of non-recovery of the ticket.

8. The next question is whether the death of the deceased resulted from an "untoward incident" within the meaning of Section 123(c) of the Act. The appellants' case is that the deceased fell while boarding the train at *Sidhirampur* Railway Station due to the rush of passengers. The Tribunal, on the other hand, inferred that the deceased was crossing the railway line and was hit by a train. The question, therefore, is whether the material relied upon by the Tribunal was sufficient to sustain the latter conclusion.

9. A perusal of the record would show that on 10.12.2022, *Sher Singh*, the Keyman of Gang No. 3, informed the Station Master, *Kamalganj*, at about 7:05 a.m. that the body of the deceased was lying on the track between kilometre 116/19 and 116/20. The General Diary Entry No. 017 of Police Station, *Kamalganj* records a letter attributed to AW-2 stating that the deceased had died after being hit by a train at about 6:00 a.m. near Pole No. 116/19, *Sidhirampur*. The *Panchnama* also records that AW-2 was one of the persons who first informed the authorities about the death and was a *Panch* witness. The *Panchas* opined that the deceased had been hit by a train. These records establish the discovery of the body on the railway track and the fact that the death involved a train. However, the conclusion that the deceased wascrossing the railway line does not follow from these

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

circumstances alone.The location at which the body was found and the opinion recorded in the *Panchnama* are relevant circumstances, nevertheless, they are not based on any eye witness account and must be assessed along with the remaining material.

10. The Tribunal also relied upon the statements attributed to *Surendra Singh*, Loco Pilot of Train No. 05344, and *Dalbir Singh*, its Guard, according to which the train arrived at *Sidhirampur* Halt at 5:59 p.m. and departed towards *Khudaganj* at 6:08 p.m. These statements form part of the material relied upon in the railway inquiry and were not supported by the examination of the Loco Pilot or the Guard before the Tribunal. Even otherwise, the said statements make no reference to the issue at hand that the deceased was allegedly crossing the railway line at the time of the incident.

11. This Court has also considered the discrepancies in the testimony of AW-2/*Manoj Kumar*. AW-1 stated in his cross-examination that he had asked AW-2 a day before the incident to put the deceased on the morning passenger train going towards *Kanpur*. AW-2, however, stated that he had not received any such call. Further, AW-2 stated that he had put the deceased on the train at about 7:20 a.m., whereas the railway record shows that the Keyman had informed the Station Master at about 7:05 a.m. that the body was lying on the track. The letter attributed to AW-2 in the police record, which refers to the deceased having been hit by a train at about 6:00 a.m., also requires consideration alongside his deposition. These discrepanciesthoughcannot be brushed aside as inconsequentialhowever, at the same time, they do not, without supporting evidence, establish the Tribunal's alternative conclusion that the deceased was crossing the railway line. The reliability of AW-2's version and the inference to be drawn from

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

the contemporaneous records must be assessed separately from the question whether the deceased's death resulted from an "untoward incident".

12. A similar approach was adopted by this Court in "*Rajpati v. Union of India*"[4], wherein it was observed that the condition in which a body is found cannot, by itself, rule out the possibility that the deceased had fallen from a moving train and thereafter come into contact with its steps or wheels. In "*Smt. Pinki & Ors. v. Union of India*"[5], this Court also examined the limits of drawing an inference that the deceased was crossing the railway tracks merely from the location of the body and the injuries recorded in the post-mortem report. The principle emerging from these decisions is that the manner of occurrence must be determined from the entire material on record and not from an isolated circumstance.

13. In the present case, the Tribunal's conclusion that the deceased was crossing the railway line rests substantially upon an inference drawn from the location of the body, the *Panchnama* and the railway inquiry material. The contemporaneous records do not, however, contain direct evidence establishing that the deceased had entered the railway line for the purpose of crossing it. Nor do the statements attributed to the Loco Pilot and Guard, read with the timings recorded in the other documents, sufficiently resolve the circumstances in which the deceased sustained the fatal injuries.

14. It is also material that the DRM report was relied upon as a principal basis for rejecting the claim. The report records the conclusion that the deceased fell while attempting to board a moving train without a ticket and was responsible for the occurrence. However, the report's conclusion

[4]2014 SCC OnLine Del 2540
[5]FAO 166/2023, decided on 30.07.2026

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

regarding the deceased travelling without a ticket runs contrary to the oral evidence that he had purchased a ticket. Further, the report does not, by itself, cure the evidentiary gaps concerning the precise manner in which the incident occurred. Even assuming that the deceased fell while boarding or deboarding the train, such an accidental fall would still fall within the ambit of an "untoward incident" in terms of the principles laid down by the Supreme Court in "*Rina Devi*" (*supra*).

15. The Tribunal was required to consider whether, on a cumulative assessment of the evidence, the occurrence was more consistent with an accidental fall from a train than with the deceased crossing the railway line. The discrepancies in AW-2's testimony are relevant and have been taken into account. However, those are minor variations and they cannot be used to substitute one unproved version of the occurrence with another.

16. The Act is a beneficial piece of legislation, and the provisions relating to compensation for railway accidents must be applied in a manner consistent with their object. Section 124-A provides for compensation on the principle of no-fault liability, subject to the statutory exceptions. A claimant is not required to reconstruct every detail of an accident where the material on record, considered as a whole, establishes on a preponderance of probabilities that the death resulted from an "untoward incident".

17. 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 03.02.2027.

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 28, 2026
na

Signature Not Verified
Digitally Signed
By:NIJAMUDDEEN ANSARI
Signing Date:28.10.2026
18:15:36