



2026:DHC:8869



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

% Reserved on : 17.09.2026  
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# **CNR No. DLHC010002362024**

+ **FAO 11/2024**

VIDHYA RAM & ANR.

.....Appellants

Through: Mr.Rajan Sood, Ms. Ashima  
Sood and Ms. Megha Sood,  
Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Vikrant Nilesh Goyal,  
Mr.Inderpreet Singh and  
Mr.Kunal Dixit, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

**CM APPL. 1032/2024 (seeking condonation of delay of 210 days in filing the appeal)**

1. By way of the present application, the applicants/ appellants seek condonation of delay of 210 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants are poor and illiterate persons, and belong to an economically weaker section and, due to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.
3. At this stage, it is pertinent to note that in “*Mohsina vs. Union of India*”<sup>1</sup>, a Co-ordinate Bench of this Court condoned a delay of 804

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<sup>1</sup>(2017) SCC OnLine Del 10003



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days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, in “*Reshma vs. Union of India*”<sup>2</sup>, this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.

4. Considering the peculiar facts and circumstances of the present case as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 210 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

#### **FAO 11/2024**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 21.03.2023 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/LKO/508/2021, whereby the claim application filed by the appellants seeking compensation on account of death of their son, *Mukesh* (hereinafter referred to as the “deceased”), came to be dismissed.

2. The facts, as averred, in a nutshell are that on 13.03.2017, the deceased undertook a journey from *Rampur Jn.* to *Bareilly Jn.* after purchasing a valid journey ticket, which was stated to be lost during the incident. It was stated that due to heavy rush and the resultant push

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<sup>2</sup> (2026) SCC OnLine Del 2704



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and pull of passengers, he was standing near the gate of the compartment and, while the train was passing between *Mirganj* and *Bareilly* Junction, he fell from the train and sustained fatal injuries.

3. The Tribunal examined the evidence of the appellants, including the testimony of the appellant/*Vidhya Ram* as AW-1 and *Harprasad* as AW-2. It was found that the latter's testimony was unreliable on account of the inconsistencies noticed in his cross-examination. The Tribunal also placed considerable reliance upon the *panchnama* and the DRM report, and particularly the fact that the body had been found in pieces. It consequently held that the deceased had not been proved to be a *bona fide* passenger and that the occurrence was not an "untoward incident" within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the "Act").

4. Learned counsel for the appellants, while assailing the impugned judgment, contended that the non-recovery of the journey ticket could not, by itself, have resulted in rejection of the claim, particularly when the appellants had consistently pleaded that the deceased had purchased a ticket and that the same was lost in the occurrence. Reliance in this regard was placed upon the decision of the Supreme Court in "*Union of India v. Rina Devi*"<sup>3</sup> and "*Lata v. Union of India*"<sup>4</sup>. It is further submitted that the respondent did not lead any evidence in support of the DRM report, despite having relied upon the statements and conclusions contained therein. As regards the manner of occurrence, learned counsel submits that there is no eyewitness or

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<sup>3</sup> (2019) 3 SCC 572

<sup>4</sup> 2026 SCC OnLine SC 1350



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other cogent evidence to establish that the deceased had voluntarily gone upon the railway track or had committed suicide.

5. *Per contra*, learned counsel for the respondent, on the other hand, submitted that the claim application did not disclose the number or name of the train or the time of commencement of the journey. It is further submitted that the evidence of AW-2 was introduced after a considerable delay and was materially inconsistent. Reliance is also placed on the police proceedings, *panchnama* and post-mortem report to contend that the deceased was found on the railway track and had been run over by a train.

6. Having heard learned counsels for the parties, the first question which arises for consideration is whether the deceased has been shown to be a *bona fide* passenger. The fact that no journey ticket was recovered from the deceased cannot be treated as conclusive against the appellants. The Supreme Court has held that while the initial burden lies upon the claimant, mere absence of a ticket does not negative the claim of *bona fide* passenger and the matter has to be considered on the attending circumstances, after which the burden shifts upon the Railways. {Ref: *Rina Devi (supra)*} The same principle has recently been reiterated in *Lata* (supra) wherein the Supreme Court cautioned against adopting a technical approach while considering claims under the Act and held that the governing standard is that of preponderance of probabilities.

7. In the present case, the appellants had, from the inception, pleaded that the deceased had undertaken the journey after purchasing a valid ticket and that the ticket was lost in the incident. Likewise,



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AW-2's evidence regarding the particular train and the circumstances in which he saw the deceased is inconsistent and, to that extent, cannot be relied upon to establish the identity of the train. That, however, does not amount to proof that the deceased was travelling without a valid ticket. Significantly, after the applicants closed their evidence, the respondent also chose not to lead any evidence.

The recent decision of the Supreme Court in "Sukhabhai Nanjibhai Makwana & Anr. v. Union of India"<sup>5</sup>, is of relevance in this regard. The Apex Court reiterated that once the initial burden is discharged, the Railways must rebut the claimant's version by cogent evidence and that absence of the ticket cannot, in isolation, defeat the claim. On a consideration of the evidence as a whole, this Court is of the view that the Tribunal gave undue weight to the non-recovery of the ticket and the discrepancies noticed in the testimony of AW-2.

8. The more substantial question is whether the death of the deceased occurred as a result of an "untoward incident". The contemporaneous record, in fact, establishes that the body was found on the railway track near Pole No.1331/12 and that the Station Master was informed about the same. The police proceedings thereafter recorded that the body had been cut into pieces. These circumstances establish the occurrence of a railway accident, but they do not, by themselves, establish how the deceased came to be on the track. The conclusion that a person was run over while crossing the track is different from a finding that the person first fell from a moving passenger train and thereafter came under the wheels.

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<sup>5</sup> 2026 INSC 1056



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9. The Tribunal, however, proceeded on the basis that the condition of the body, as recorded in the post-mortem report, corroborated the theory of suicide. The post-mortem report records multiple fractures and that the body was received in pieces. There is nothing in the medical evidence, as noticed by the Tribunal, which establishes that the deceased had deliberately placed himself on the track or that he had committed suicide. The inference drawn by the Tribunal thus travels beyond what the medical evidence itself establishes. Likewise, the *panchnama* recording that the body had been run over by a train does not disclose that any person had witnessed the deceased entering or remaining upon the track before the occurrence. This aspect assumes significance also because the respondent did not examine any of the persons whose statements were relied upon in the DRM report. The report, therefore, could not have been treated as conclusive proof of the manner in which the deceased met his death.

10. A similar view has been taken by this Court in cases where the Railways sought to infer trespassing or a “run over” merely from the place where the body was found or its position vis-à-vis the railway track. In “*Guruvachan Singh v. Union of India*”<sup>6</sup>, this Court held that the place where a body is recovered cannot, by itself, determine the manner of the incident. More recently, in “*Sukhmandar Singh v. Union of India*”<sup>7</sup>, this Court reiterated that the position of the body on or near the track, in the absence of supporting ocular or other cogent evidence,

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<sup>6</sup> 2026 SCC OnLine Del 2351

<sup>7</sup> 2026 SCC OnLine Del 7298



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does not conclusively establish that the passenger was trespassing and was run over. The Court also recognised that the possibility of a passenger first falling from a moving train and thereafter coming under its wheels cannot be ruled out merely from the condition or location of the body.

11. The present case stands on the same footing. There is no eyewitness to the occurrence. The contemporaneous record does not record anyone having seen the deceased voluntarily enter the railway track. Nor does the material relied upon by the respondent establish any circumstance from which suicide can reasonably be inferred. On the evidence available, the occurrence is, on a preponderance of probabilities, one of accidental falling from a passenger train and consequently falls within Section 123(c)(2) of the Act.

12. 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 30.11.2026.

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**

**OCTOBER 07, 2026/na**