



2026:DHC:7392

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

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CNR No. DLHC010055602026

+ **FAO 49/2026**

RAVINDRA SINGH & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood & Ms. Megha Sood,
Advocates

versus

UNION OF INDIARespondent
Through: Ms. Saroj Bidawat, CGSC with
Ms. Sadhna Sandhu, 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 08.12.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/696/2025 titled as "Sh. Ravindra Singh & Anr. vs. Union Of India".

2. The facts in a nutshell are that on 31.08.2024, one *Vijay Kumar* (hereinafter referred to as "the deceased") was travelling from *Ghaziabad* to *Meerut* after purchasing a valid railway ticket and



boarded an unknown passenger train. It is averred that during the course of the aforesaid travel, while the train was passing beneath the *Vivekananda* Flyover, the deceased accidentally fell from the running train, sustained serious injuries and died as a result thereof.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the alleged incident qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assailed the impugned judgment, contending that the Tribunal erred in treating non-recovery of the journey ticket as fatal to the claim and placed reliance on “Union of India v. Rina Devi”¹. It was further contended that the Tribunal ignored contemporaneous records indicating that the deceased had fallen from the train and erroneously concluded that the death was due to a run-over. It was also contended that the affidavit of AW-1, coupled with the attending circumstances, discharged the initial burden regarding the deceased being a *bona fide* passenger. Learned counsel further submitted that the statutory inquiry relied upon by the Tribunal was initiated only on 19.08.2025, nearly one year after the incident, and the report was submitted on 25.09.2025.

5. *Per contra*, learned counsel for the respondent submitted that no ticket was recovered. It was contended that the statement of AW-1/*Ravindra Singh* regarding the purchase of the journey ticket was not reliable. It was further submitted that the injuries recorded in the post-

¹ (2019) 3 SCC 572



mortem report, coupled with the discovery of the deadbody in between tracks and the conclusions drawn from the contemporaneous report, suggests that the deceased was run over by a train.

6. A perusal of the proceedings would show that it is an admitted fact that no ticket was recovered at the time of the incident. However, as per Rina Devi(supra), the law regarding the non-recovery of the journey ticket is well settled. The initial burden resting upon the claimants is only to place on record the relevant facts and circumstances to establish *bona fide* travel, whereafter the onus shifts upon the Railway Administration to rebut the same by leading cogent evidence. This principle was reiterated by the Supreme Court in “Lata v. Union of India”².

Applying the aforesaid principle to the facts of the present case, Sh. Ravindra/AW-1, father of the deceased, has categorically deposed that the deceased had called AW-1 to inform him that he was travelling from *Ghaziabad* to *Meerut* and had purchased a second class journey ticket for the same. During the cross-examination, even though AW-1 states that he did not mention the journey ticket to the police, his stand remains consistent with the material particulars. Owing to the discrepancy around not informing the police of the journey ticket, the Tribunal had discarded the testimony of AW-1.

7. However, this court is of the considered opinion that the fact that AW-1 did not inform the police about the journey ticket does not materially detract from his evidence. The significance of the affidavit assumes greater importance in view of the law laid down in Rina Devi

²² 2026 SCC OnLine SC 1350



(supra) and Lata (supra), wherein the initial burden on the claimant is discharged by placing on record an affidavit setting out the relevant facts. Thus, once AW-1 had specifically stated in his affidavit that the deceased was carrying a journey ticket, the omission to mention the same to the police is, at best, a minor discrepancy and cannot, by itself, discredit his categorical assertion in the affidavit.

8. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act. The Tribunal has proceeded substantially on the basis of the nature of the injuries found during post-mortem, the position of the dead body between the railway tracks, the trajectory of a person falling from a running train and the dimensions of the railway coach and track.

Such an approach, in the view of this court, overlooks the beneficial character of the statutory scheme, which is intended to provide compensation to victims of railway accidents and their dependants. The provisions of the Act, therefore, warrant a purposive and liberal interpretation so as to advance the object of the legislation. The question, therefore, is not whether a particular injury pattern or the position in which the body was found can, in isolation, conclusively establish the precise manner in which the deceased came to be injured, but whether the material on record, taken as a whole, establishes that the deceased suffered an accidental fall from a passenger carrying train.



9. A gainful reference in this regard is placed on the decision of the Coordinate Bench of this Court in “Rajpativ. Union of India”³:-

“7. No doubt, the body is found in a cut up position, however, it is not inconceivable that while falling from the train, the deceased could have got entangled in the steps and the wheels of the same train in which he was travelling and surely which type of incidents are not unknown. Therefore, the Tribunal cannot only on the ground that the body of the deceased was in a cut up condition hold that the case was a case of run over and not of falling from a train.”

The aforesaid decision makes it clear that the physical condition or location of the body cannot, by itself, furnish an inflexible test for determining whether the deceased had fallen from a train or had been run over. The same principle squarely applies here. The Tribunal has treated the complete amputation of the left leg at the hip joint and the location of the body between the tracks as determinative, whereas these circumstances, though relevant, cannot by themselves conclusively exclude an accidental fall from a running train. Additionally, the fact that the body was found between the railway tracks also cannot, in the facts of the present case, be treated as conclusive of a run-over.

12. Furthermore, the Railway Administration has also not produced any eyewitness account or any contemporaneous statement of the driver or guard of a train to establish that the deceased was run over while trespassing on the railway track. The DRM report, on which reliance has been placed, was initiated only on 19.08.2025 and submitted on 25.09.2025, i.e., nearly a year after the incident.

³2014 SCC Online Del 2540



2026:DHC:7392



13. In view of the foregoing discussion and considering the peculiar facts and circumstances of the present case, the deceased is held to have been a *bona fide* passenger and the occurrence is held to fall within the ambit of an “untoward incident” within the meaning of the Act.

14. 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 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.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER01, 2026

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