



2026:DHC:8563



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

% Reserved on : 10.09.2026  
Pronounced on : 30.09.2026  
Uploaded on : 30.09.2026

# **CNR No. DLHC010482162022**  
+ **FAO 330/2022**

PARWATI

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Satya Ranjan Swain, CGSC with  
Ms. KautilyaBirat and Mr. Sanskar  
Gupta, 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 09.09.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in OA(IIu)/DLI/270/2021 whereby the claim petition filed by the appellant seeking compensation on account of death of her son came to be dismissed.
2. Briefly stated, the claim application came to be filed in context of the death of one Pritam Singh (hereinafter referred to as the "deceased), who, on 08.09.2019, was travelling from *Mahbubabad* to *New Delhi* by Train



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No.16031 (*Andaman Express*). On the intervening night of 09/10.09.2019, the deceased was found dead near Km.1510/05 in the *Faridabad* area and at about 04:30 am on 10.09.2019, information regarding a male dead body lying on the railway track was given by the Loco Pilot. A valid railway ticket bearing No.85800370 was recovered from his person during *jamatalashi* and was subsequently verified

3. Notably, the *bona fide* status of the deceased as a passenger is not in dispute. The Tribunal itself recorded that the deceased was travelling on a valid ticket and that there was no doubt about his *bona fides*. The question which arises for consideration is thus whether the deceased died as a result of an accidental fall from the train so as to constitute an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellant, while assailing the impugned judgment, submits that the Tribunal has treated the delay in discovery of the body, its location and the nature of injuries as conclusive of a subsequent run-over, though none of these circumstances establishes that the deceased had alighted at *Faridabad*. It is submitted that the contemporaneous police proceedings recorded the cause of death as fall from a train and that there is no eyewitness or other evidence to establish that the deceased was subsequently run over by another train. Reliance has been placed on the decisions of this Court in “*Surendra Prasad Verma & Anr. v. Union of India*”<sup>1</sup>, “*Maya Devi v. Union of India*”<sup>2</sup> and “*Moola Ram v. Union of India*”<sup>3</sup>.

5. Learned counsel for the respondent, on the other hand, objects to the

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<sup>1</sup>(2014) SCC OnLine Del 2917

<sup>2</sup>(2014) SCC OnLine Del 3203

<sup>3</sup>(2014) SCC OnLine Del 1137



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aforesaid submissions. It is submitted that the *Andaman Express* had stopped at Faridabad at about 21:40 hrs. and departed at 21:42 hrs., whereas the body was noticed only at about 04:30 A.M. It is further submitted that several trains had passed through the relevant lines in the intervening period. According to the respondent, the body was found on a line separated from the Down Main Line by another line and the injuries, including severance of both legs and multiple fractures, indicate that the deceased was run over and did not fall from the *Andaman Express*.

6. Pertinently, the principal reason which weighed with the Tribunal was the gap of about seven hours between the departure of the *Andaman Express* from *Faridabad* and the reporting of the body. The Tribunal noted that twelve trains had passed on the Down line and seven on the Up line during this period and inferred that, had the deceased fallen from the *Andaman Express*, the body would have been noticed earlier.

7. A perusal of the record would show that there is no evidence as to the precise time at which the deceased fell or sustained the injuries. The time at which the body was noticed cannot be treated as the time of death or the time of the accident. In *Surendra Prasad Verma*(supra), this Court considered a similar objection based upon the interval between the departure of the train and discovery of the body and held that the delay in discovery of the dead body cannot be treated as sufficient to reject the case of accidental fall.

The fact that several trains passed through the area before the body was noticed also does not advance the stand of the respondent, as none of the drivers or guards of those trains were examined in this regard. More importantly, no particular train has been identified as the train which



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allegedly ran over the deceased. The passage of other trains is thus a circumstance which may raise a possibility, but it does not establish the alternative case set up by the respondent.

8. The Tribunal next relied upon the location of the body. According to the DRM, the body was found on a line separated from the Down Main Line by the Up line, whereas the *Andaman Express* had stopped on the Down line. On this basis, the Tribunal concluded that it was impossible for the deceased to have fallen from the *Andaman Express* and for his body to be found at the place where it was ultimately noticed. Such a conclusion cannot be drawn merely from the eventual location of the body.

In *Maya Devi* (supra), this Court rejected the reasoning that the place where the body was found, by itself, ruled out a fall from the train. The Court observed that a person who falls from a moving train may retain sufficient strength to move some distance before collapsing. The final position of the body cannot, without more, be treated as conclusive proof of the manner in which the deceased sustained the injuries. In the present case also, there is no evidence explaining how the deceased came to be on the particular line or establishing that he reached there only after alighting from the *Andaman Express*.

9. The third circumstance relied upon by the Tribunal is the nature of the injuries. The post-mortem records multiple serious injuries, including fractures and severance of both legs. The Tribunal considered these injuries to be inconsistent with a fall from a train which had just departed from *Faridabad* and instead indicative of a run-over. There is no medical opinion on record to establish that such injuries could not have been sustained in an accidental fall from a moving train. The injuries may support an inference of



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a violent impact, but they do not establish, in the absence of other evidence, that the impact was necessarily caused by a subsequent run-over.

10. Lastly, to conclude, the difficulty with the view taken by the Tribunal is that after ruling out the fall from the *Andaman Express* on the basis of the aforesaid circumstances, it accepted the suggestion that the deceased had got down at Faridabad and was thereafter run over. There is, however, no evidence that the deceased had alighted from the train. There is no eyewitness to such an alighting, no eyewitness to the alleged run-over and no material identifying the train which allegedly caused it. The conclusion that the deceased had got down and was subsequently run over is consequently an inference unsupported by any independent evidence.

11. The standard applicable in such proceedings is that of preponderance of probabilities. The statutory scheme under Sections 123(c)(2) and 124-A of the Act is also founded upon strict liability, subject to the exceptions contained therein. As held by the Supreme Court in “*Union of India v. Prabhakaran Vijaya Kumar and Ors.*”<sup>4</sup>, the beneficial nature of the legislation cannot be lost sight of while examining a claim arising out of an “untoward incident”. The evidence in the present case, considered as a whole, does not justify rejecting the claim merely because the precise manner in which the deceased came to rest at the place of discovery cannot now be reconstructed.

12. 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 appellants in accordance with law and direct the authorities concerned to disburse the same within two months from the

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<sup>4</sup>(2008) 9 SCC 527



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receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 30.10.2026.

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**

**SEPTEMBER 30, 2026**  
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