



2026:DHC:7712



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

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CNR No. DLHC010043672025

+ **FAO 24/2025**

MANJU DEVI & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates
versus
UNION OF INDIARespondent
Through: Ms. Shagun Shahi Chugh,
Mr. Varun Chugh and Ms.
Ayushi Agarwal, 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 02.12.2024 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in OA/II(U)/DLI/278/2024.
2. The claim application came to be filed in the context of the death of one *Aman Kumar* (hereinafter referred to as the "deceased"), who, on 15.08.2023, was travelling in Train No. 04446 from New Delhi towards Faridabad. When the train left Tilak Bridge Railway



2026:DHC:7712



Station, the deceased, who was standing near the gate as he was feeling nauseous, lost his balance and fell from the running train. His friends attempted to pull the emergency chain but could not stop the train immediately and, after it slowed down, returned to the spot. The deceased was found unconscious and was subsequently taken to Lady *Hardinge* Medical College, where he was declared brought dead.

3. Learned counsel for the appellants submits that the Tribunal misplaced itself by holding that the deceased was not a *bona fide* passenger merely because no journey ticket was recovered from his person. It is submitted that a platform ticket bearing No. UAG-67050302 was recovered from the deceased during *jamatalashi* and was duly verified by the Railway Authorities. The ticket was issued at New Delhi Railway Station at 18:59 hours on 15.08.2023, whereas the DRM report records the time of the incident as 19:38 hours. The appellants further rely upon the sworn testimony and affidavit of the mother, Smt. *Manju Devi*, wherein she specifically stated that the deceased and his friends had purchased journey tickets at New *Delhi* Railway Station and that the journey ticket was lost in the incident. It is contended that the Tribunal could not have treated the absence of the journey ticket as conclusive against the appellants, particularly when a valid platform ticket was recovered and verified.

4. Learned counsel for the respondent, on the other hand, objects to the aforesaid submissions and contended that the platform ticket recovered from him only authorised his entry onto the railway platform and did not authorise him to travel in the train. It is further submitted that none of the alleged co-passengers were examined



before the Tribunal to establish that the deceased had purchased a journey ticket before boarding the train.

5. The Tribunal, while deciding the claim, framed, inter alia, the issues as to whether the deceased was a *bona fide* passenger and whether his death was caused in an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”). On the latter issue, the Tribunal, after considering the General Diary entry and the Station Master’s memo recording the fall of the deceased from Train No. 04446, held that the deceased had died in an “untoward incident”. The only adverse finding against the appellants was on the question whether the deceased was a *bona fide* passenger.

6. The issue is required to be considered in the light of the law laid down by the Supreme Court in “Union of India v. Rina Devi”¹. The Supreme Court has held that mere absence of a ticket with the injured or deceased passenger also does not, by itself, negative the *bona fide* status. The initial burden on the claimant can be discharged by placing on record an affidavit setting out the relevant facts, whereupon the burden shifts to the Railways and the issue is to be determined on the attending circumstances. The same principle has been reiterated by the Supreme Court in “Lata v. Union of India”². The Court also reiterated that the initial burden may be discharged by an affidavit and that the matter is to be examined on the standard of preponderance of probabilities.

7. In the present case, there is material beyond the mere assertion

¹ (2019) 3 SCC 572

² 2026 INSC 715



of the appellants. A platform ticket bearing No. UAG-67050302 was actually recovered from the deceased during *jamatalashi* and was verified by the Railways. The ticket was issued at 18:59 hours on 15.08.2023 and, as per the record, was valid for two hours. The DRM report records the time of the incident as 19:38 hours. Thus, the platform ticket was valid at the time of the incident. Further, the mother of the deceased, in her affidavit, specifically stated that the deceased had purchased a journey ticket and that the same was lost in the accident.

8. More importantly, the reasoning adopted by the Tribunal that a platform ticket only authorised entry onto the platform and did not authorise travel in the train does not, in the facts of the present case, conclude the issue against the appellants. Section 124-A of the Act while dealing with compensation for untoward incidents, expressly provides in its Explanation that the expression “passenger” includes “a person who has purchased a valid ticket for travelling by a train carrying passengers or a valid platform ticket and becomes a victim of an untoward incident”.

9. In light of the aforesaid as well as the affidavit of the mother, the absence of the journey ticket, therefore, cannot be treated as sufficient to displace the appellants’ case. The explanation that the journey ticket was lost in the accident is consistent with the fact that the deceased had fallen from a moving train and that a platform ticket was nevertheless found on his person. The appellants had discharged the initial burden contemplated in *Rina Devi* by placing the relevant facts on record and by examining the mother of the deceased. The



2026:DHC:7712



respondent have therefore, failed to rebut the aforesaid facts and averments.

10. As regards the finding on “untoward incident”, the Tribunal has already held, on the basis of the General Diary entry and the Station Master’s memo, that the death of the deceased was the result of an “untoward incident”. The said finding is in favour of the appellants and has not been assailed by the respondent. There is, therefore, no occasion for this Court to re-examine the said issue. The finding of the Tribunal on the said issue is accordingly affirmed.

11. In view of the aforesaid, the deceased is held to have been a *bona fide* passenger and his death having already been held by the Tribunal to have resulted from an untoward incident, the appellants are entitled to pursue their claim for compensation under the Act.

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 receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 30.09.2026.

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 09, 2026/na