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

% Reserved on : 04.11.2026
Pronounced on : 17.11.2026
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\+ **FAO 169/2023**

SAROJ DEVI & ORS. .....Appellants

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

versus

UNION OF INDIA .....Respondent

Through: Mr. Vivek Goyal, CGSC with Mr. Aryan Aggarwal, 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 03.01.2023 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/74/2021, whereby the claim application filed by the appellants seeking compensation on account of the death of one *Mahipal Singh* (hereinafter referred to as the "deceased") came to be dismissed.

2. The brief facts of the case are that on 08.01.2020, the deceased had undertaken a train journey from *Jalesar* Road Railway Station towards

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Tundla Railway Station. It is the case of the appellants that after purchasing a valid journey ticket, the deceased boarded the Train No. 64584 (*Delhi-Tundla* MEMU Passenger), when he accidentally fell from the train at *Jalesar* Road Railway Station and sustained grievous injuries and thereafter, he succumbed to his injuries.

3. Learned counsel for the appellants submits that the Tribunal failed to appreciate the material evidence on record while holding that the deceased was not a *bona fide* passenger. It is submitted that although the original claim application stated that the journey ticket had been lost in the incident, the subsequent DRM inquiry brought on record refers to the particulars of ticket No. 33333728, issued from *Jalesar* Road to *Allahabad*. It is further submitted that the said ticket was verified during the railway inquiry and that AW-1/*Pikal Singh*, son of the deceased, also categorically deposed that his father had purchased the ticket in his presence. Learned counsel submits that the Tribunal discarded this evidence merely on account of the discrepancy in the versions put forth by the appellants. It is further contended that the Station Master's memo dated 08.01.2020 records that one person had fallen from the trainwhereas the subsequent DRM report attributed the occurrence to an attempt by the deceased to board the train from the off side. It is submitted that even the railway records contain varying versions as to whether the deceased was boarding or de-boarding the train.

4. On the contrary, learned counsel for the respondent submits that the original claim application specifically mentioned the journey from *Jalesar* Road to *Tundla* and stated that the ticket had been lost in the incident. It is contended that the subsequent production of the ticketwas an attempt to

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improve the case after institution of the claim. Learned counsel also submits that the body of the deceased was found between the loop line and the main line after the departure of Train No. 64584, which establishes that he was attempting to board the train from the off side. It is accordingly contended that neither the *bona fide* status of the deceased nor the occurrence of an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act") stands established.

5. The next question which arises for consideration is whether the death of the deceased occurred in an "untoward incident" within the meaning of Section 123(c) of the Act. The Tribunal has principally relied upon the statement of HC/RPF *Jogendra Singh* that after the departure of Train No. 64584 at about 18:47 hrs. from Platform No.1, *Jalesar* Road Railway Station, he noticed one person lying between the loop line and the main line. On this basis, it has been inferred that the deceased was attempting to board the train from the off side.

6. Pertinently, the Station Master's memo dated 08.01.2020, issued at about 18:50 hrs., records that one person had "fallen" from Train No. 64584 at *Jalesar* Road Railway Station Yard. The injured person was thereafter taken to Primary Health Centre with the assistance of the railway/police personnel. The aforesaid memo is a contemporaneous railway record and assumes significance in determining the nature of the occurrence. Further, the RPF record, as noticed even in the impugned judgment, contains an entry describing the occurrence as one where a person fell from the off side while attempting to de-board Train No. 64584. Thus, while the Station Master's memo records that the person had fallen from the train, the subsequent

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entries and the DRM report attribute the occurrence to an attempt to board or de-board the train from the off side. These varying versions, emanating from the railway records themselves, cannot be ignored and will, in view of the beneficial course of the legislation, benefit the appellants.

7. The Tribunal has proceeded on the assumption that a *bona fide* passenger would not attempt to board a train from the off side and, therefore, the deceased must have been trespassing. There is no material on record to establish that the deceased had entered the railway track for any purpose unconnected with the train journey. Rather, the earliest railway record points towards a fall from Train No. 64584. The subsequent conclusion in the DRM report regarding the deceased having attempted to board the train from the off side is itself based upon the circumstances in which he was found and does not conclusively establish the precise manner of occurrence.In this regard, the decision of the Supreme Court in "*Rina Devi*" (*supra*) assumes significance. The Supreme Court has specifically held that an accidental fall while boarding or de-boarding a train, even from the off side, would constitute an untoward incident within the meaning of Section 123(c)(2) of the Act. It has further been held that the concept of self-inflicted injury requires an intentional act and cannot be equated with negligence, irrespective of its degree. Thus, even if the version of the Railways that the deceased was attempting to board the train from the off side is accepted, the same would not, by itself, take the occurrence outside the ambit of an "untoward incident".

8. The next question which arises for consideration is whether the deceased was a *bona fide* passenger, the issue is required to be considered in

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the light of the principles laid down by the Supreme Court in "*Union of India v. Rina Devi*"[1]. The Supreme Court has held that mere absence or non-recovery of a journey ticket from the injured or deceased passenger does not, by itself, negative the claim of *bona fide* passenger. The initial burden upon the claimant can be discharged by placing the relevant facts and circumstances on record, whereafter the burden shifts upon the Railways to rebut the same. The said principle has also been reiterated in "*Lata v. Union of India*"[2] and "*Sukhabhai Nanjibhai Makwana &Anr. v. Union of India*"[3] wherein the Supreme Court has emphasised that the issue is to be examined on the touchstone of preponderance of probabilities.

Applying the aforesaid principles to the facts of the present case, it is noticed that the original claim application was founded on the assertion that the deceased was travelling from *Jalesar* Road to *Tundla* and that the journey ticket, along with his bag and other belongings, was lost in the incident. Subsequently, during the course of the DRM inquiry, particulars of ticket No. 33333728, issued from *Jalesar* Road to *Allahabad*, came on record. Significantly, the respondent/Railways itself, in its written statement, acknowledged that a copy of the aforesaid ticket had been furnished to the inquiry officer, though it disputed its genuineness by alleging that the same had been arranged subsequently. The DRM report also records the verification of the said ticket. Further, AW-1/*Pikal Singh*, son of the deceased, appeared before the Tribunal and deposed that he had accompanied his father to *Jalesar* Road Railway Station and had witnessed

[1](2019) 3 SCC 572
[2]2026 INSC 715
[3]2026 INSC 1056

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him purchasing the journey ticket.

9. Further, the testimony of AW-1 could not have been discarded merely by describing him as an interested witness, without examining it alongside the other material on record. Even if the subsequent version regarding the ticket is viewed with some reservation, the original assertion regarding purchase of a journey ticket and its loss in the incident, read with the testimony of AW-1 and the material emerging from the DRM inquiry, was sufficient to discharge the initial burden cast upon the appellants. The Railways, on the other hand, have not placed any cogent material to dispute the aforesaid. The benefit of the discrepancy, in the facts and circumstances of the present case, ought to have gone to the appellants rather than resulting in rejection of their claim.

10. Lastly, it is well settled that claims under the Act are to be examined keeping in view the beneficial nature of the legislation. An accidental fall from a train would ordinarily occur without the presence of an independent eyewitness. The Court is, therefore, required to examine the contemporaneous railway and police records along with the attending circumstances rather than insist upon proof of the precise mechanics of the occurrence.

11. 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 03.12.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 17, 2026
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