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

% Reserved on : 25.09.2026
Pronounced on : 30.10.2026
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 # CNR No.DLHC010590932025

+ FAO 228/2025

DEVDUTT & ORS. .....Appellants
Through: Mr.Rajan Sood, Ms. Ashima Sood and Ms. Megha Sood, Advocates

versus

UNION OF INDIA .....Respondent
Through: Mr. Farman Ali, CGSC with Mr. Vidur Dwivedi, Ms. Usha Jamwal and Mr. Mohd. Asif, 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 08.01.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/31/2024, whereby the claim application filed by the appellants on account of the death of one *Rajendra Singh* (hereinafter referred to as the "deceased") came to be dismissed.

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2. Briefly stated, the case of the appellants is that on 21.09.2018, the deceased was travelling from *Ghaziabad* to *Maripat* on the strength of a valid journey ticket. It was pleaded that he had boarded an EMU passenger train and, owing to a sudden jerk and rush in the compartment, accidentally fell from the running train between *Chipiyana Burj* and *Maripat*. He sustained fatal injuries and succumbed to the same. The appellants, being his children, thereafter approached the Tribunal seeking compensation under the Railways Act, 1989 (hereinafter referred to as the "Act").

3. The claim was contested by the respondent, which disputed both the deceased's status as a *bona fide* passenger and the nature of the occurrence of the incident. It was contended that no journey ticket had been recovered from the deceased. The Tribunal, by way of the impugned judgment, accepted the respondent's version and dismissed the claim application. The Tribunal placed substantial reliance on the non-recovery of the journey ticket and the conclusion drawn in the DRM inquiry report that the deceased had been run over while crossing the railway track.

4. Before this Court, learned counsel for the appellants contends that the Tribunal failed to appreciate the evidence on record in its proper perspective. It is submitted that the son of the deceased, who appeared as AW-1, categorically deposed that the deceased was travelling from *Ghaziabad* to *Maripat* in connection with his work and had purchased a valid journey ticket for the relevant journey. It is further submitted that the contemporaneous material, including the gateman's memo, the *panchnama* and post-mortem report, establishes

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the recovery of the deceased's body and the fatal injuries sustained by him, but does not establish that he was crossing the railway track. Learned counsel also assails the reliance placed on the DRM inquiry report, pointing out that the inquiry was initiated more than five years after the incident and only after institution of the claim application.

5. *Per contra*, learned counsel for the respondent while defending the impugned judgment, contends that no journey ticket was recovered from the deceased and that the material on record supports the conclusion that he was run over by a train while crossing the railway track. It is submitted that the appellants have failed to establish that the deceased had fallen from a passenger train and, consequently, the claim was rightly rejected by the Tribunal.

6. This Court has heard learned counsel for the parties and perused the material placed on record.

7. The issues which arise for consideration are whether the deceased was a *bona fide* passenger at the time of the occurrence and whether his death resulted from an "untoward incident" within the meaning of the Act.

8. Coming first to the question of the deceased's status as a *bona fide* passenger, the non-recovery of a journey ticket cannot, by itself, be treated as conclusive against the claimants. In "*Union of India v. Rina Devi*"[1], the Supreme Court held that the initial burden on the claimants to establish that the deceased was a *bona fide* passenger is not onerous. Once the relevant facts and circumstances are placed on record, the burden shifts to the Railways to rebut the claim by leading

[1](2019) 3 SCC 572

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cogent evidence. The aforesaid principle has also been reiterated in "*Lata v. Union of India*"[2] and "*Sukhabhai Nanjibhai Makwana &Anr. v. Union of India*"[3].

9. In the present case, the son of the deceased, who appeared as AW-1, specifically stated that the deceased was working as a *halwai* and was travelling from *Ghaziabad* to *Maripat* in connection with his work. He further deposed that the deceased had purchased a valid journey ticket for the journey in question. This assertion, made on oath, was to be considered along with the other circumstances emerging from the record. The mere fact that the ticket was not recovered from the deceased could not, without more, be made the basis for rejecting his status as a *bona fide* passenger.

10. The next question is whether the death of the deceased occurred in an "untoward incident" within the meaning of the Act. Section 123(c)(2) of the Act defines an "untoward incident" to include the accidental falling of any passenger from a train carrying passengers. Section 124-A provides for compensation in cases of death or injury resulting from an untoward incident, subject to the exceptions stipulated therein. The statutory scheme is one of no-fault liability. Thus, once an accidental fall from a passenger train is established, the claim cannot be defeated merely on the ground that the deceased was himself responsible for the occurrence, unless a statutory exception is made out.

[2]2026 SCC OnLine SC 1350
[3]2026 INSC 1056

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11. In this regard, the contemporaneous material assumes significance. The record refers to the memo issued by Gateman *Ajit Kumar Sharma* to the Deputy Station Superintendent, *Dadri*, as well as the *panchnama* recording the recovery of the deceased's body between kilometre 1422/32-33, near *Pulia* No. 222 at *Maripat* Railway Station. The post-mortem examination conducted on 22.09.2018, vide PMR No. 1010/2018, records fatal crush injuries and attributes the death to shock and haemorrhage resulting from ante-mortem injuries.

12. The aforesaid material establishes the recovery of the body and the nature of the injuries which proved fatal. However, neither the location of the body nor the nature of the injuries, considered in isolation, establishes that the deceased was crossing the railway track when he came under a train. The conclusion that a person was run over while crossing the track is distinct from the conclusion that he first fell from a moving passenger train and thereafter came under its wheels. The two possibilities were required to be examined against the entire record, rather than the physical condition or location of the body being treated as determinative of the manner of occurrence.

13. A similar issue came up for consideration before this Court in "*Ravindra Singh & Anr. v. Union of India*"[4]. In that case, the Tribunal had inferred that the deceased was run over by a train on the basis of the nature of the injuries and the position of the body between the railway tracks. This Court observed 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

[4]FAO 49/2026, decided on 01.09.2026

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run over while crossing the railway track. The absence of an eyewitness account establishing trespass and the delayed DRM inquiry were also considered relevant while assessing the evidence as a whole.

Applying the aforesaid principles to the present case, the *panchnama* and post-mortem report establish the recovery of the deceased's body and the fatal injuries sustained by him, however, these documents do notestablish that he had entered upon the railway track while crossing it.

14. Additionally, the evidentiary value of the DRM inquiry report also requires consideration. The incident occurred on 21.09.2018, whereas the inquiry was initiated only on 15.03.2024, after institution of the claim petition on 06.09.2023. The report was submitted on 02.05.2024, nearly five years and seven months after the incident. The aspect of belated filing of a DRM report has been commented upon by this Court in "*Bhola v. Union of India*"[5], the relevant extracts wherefrom are as under:

> "*2. There is a delay of 14 months in submitting the DRM Report….*
>
> *4. The claim petition was filed on 27.07.2014, the DRM Inquiry was initiated thereafter and a report was filed 7 months later. The delay in initiating an inquiry is fatal to the facts of the case because what essentially needs to be gathered is what happened on the date of accident. The medical reports and the police records show that an accident happened on 08.10.2012 and the cause of the accident was, the appellant having been fallen from a moving train. The DRM Report does not address any of these aspects. On the contrary it says that since no ticket was produced to support the claim of the appellant, of him being a bona fide*

[5](2018) SCC OnLine Del 13486

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> *passenger,* therefore by conjecture, he could have well suffered a self-inflicted injury while crossing the railway tracks. Reliance was placed upon the judgment of the Supreme Court in *Kalandi Charan Sahoo and Anr. vs. General Manager, South-East Central Railways, Bilaspur* in Civil Appeal No. 5608/2017."

A delayed inquiry, based on incomplete or unavailable record, cannot form the basis of denial of a claim. Its evidentiary value must be assessed in the light of the material relied upon and the circumstances in which the inquiry was conducted. In *Sukhabhai Nanjibhai Makwana* (*supra*), the Supreme Court also held that the Railways cannot take advantage of delay attributable to its own failure to conduct the statutory inquiry promptly and declined to rely upon a belated investigation report in the facts of that case.In these circumstances, the conclusion that the deceased was run over while crossing the railway track could not have been treated as conclusive without independent scrutiny of the contemporaneous record.

15. It is true that the absence of an eyewitness to the actual fall does not, by itself, establish that an accidental fall occurred. Equally, however, the absence of such an eyewitness cannot be used to presume that the deceased was crossing the railway track, particularly when that conclusion is not independently established by cogent evidence. On a cumulative consideration of the evidence, this Court is of the view that the Tribunal placed undue weight on the non-recovery of the journey ticket and accepted the inference of a run-over without adequately examining whether the contemporaneous material established that the deceased was crossing the railway track.

16. In view of the above, the impugned judgment is set aside and the

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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 18.03.2027.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 30, 2026
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