



2026:DHC:8176



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

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CNR No. DLHC010236512024

+ **FAO 145/2024**

SHYAM SINGHAppellant

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

versus

UNION OF INDIARespondent

Through: Mr. Bhagwaan Swaroop Shukla,
CGSC with Mr. Amit Acharya,
Govt. Pleader

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

**CM APPL. 25056/2024 (Seeking condonation of delay of 775 days
in filing the appeal)**

1. By way of the present application, the applicants/ appellants seek condonation of delay of 775 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants, being residents of *Village Titavali, District Etawah (Uttar Pradesh)* are poor and illiterate persons, and belong to an economically weaker section and, due to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.
3. At this stage, It is noteworthy that in "Mohsina vs. Union of



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India”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, this Court in “*Brijesh Kumar and Ors. vs. Union of India*”², allowed the application, and a delay of 1326 days was condoned, considering the financial hardship of the appellants and the surrounding circumstances.

4. Considering the peculiar facts and circumstances of the present case as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 775 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 145/2024

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 17.12.2021 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI (LKO)/811/2021, titled as “*Shyam Singh vs. Union of India*”.

2. The brief facts of the case, as averred in the claim application, are that on 18.04.2013, the appellant, along with his wife Smt. Anju Devi, travelled from Etawah towards Ahmedabad by an Express Train after purchasing second-class ticket bearing No. AE-02199847.

¹(2017) SCC OnLine Del 10003

²(2026) FAO 49/2022 (04.04.2026)



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According to the appellant, owing to the heavy rush in the train, he fell from the moving train near *Agra* Fort and suffered serious injuries. He was thereafter found lying injured near the railway track and was taken first to the District Hospital, *Agra* and thereafter to S.N. Medical College, *Agra*, where he remained admitted for several days.

3. The appellant relied upon the journey ticket, the verification of the ticket by the Chief Booking Supervisor, *Etawah*, the statement of Gangman *Nawab Khan*, the railway records relating to the injured person having been found near the track and the subsequent RPF enquiry. It was specifically submitted that the railway records themselves recorded the injured person as *Shyam Singh* son of *Dharam Singh*. It was further submitted that the medical record mentioning the father's name as *Rati Lal* could not, by itself, establish that the injured person was somebody other than the appellant, particularly when the appellant had remained unconscious after the occurrence and had consistently disclosed his identity as *Shyam Singh* son of *Dharam Singh*.

4. Learned counsel for the respondent, on the other hand, contended that the entire medico-legal record, including the records of S.N. Medical College, *Agra* and Rainbow Hospital, described the injured as *Shyam Singh* son of *Rati Lal*, whereas the appellant before the Tribunal was *Shyam Singh* son of *Dharam Singh*. It was contended that there was no satisfactory explanation for this discrepancy and it was further submitted that the history recorded in the medico-legal report referred to an assault and, therefore, the injuries could not be attributed to a fall from a passenger train.



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5. The Tribunal concluded that it could not say with certainty that the appellant was the person who had sustained the injuries and consequently decided the relevant issue against him.

6. The issue of the appellant being a *bona fide* passenger is taken up first. The appellant's case is not founded merely on his own assertion that he had purchased a ticket. The journey ticket bearing No. AE-02199847 was produced on record and its issuance from the Etawah Booking Office on 18.04.2013 was verified by the Chief Booking Supervisor, Etawah. More significantly, the respondent's own record relating to the incident identifies the injured person as *Shyam Singh* son of *Dharam Singh*, resident of Village *Titavali*, District *Etawah*. Thus, the identity disclosed by the appellant in his claim application is supported by contemporaneous railway material as well as by independent verification of the journey ticket. The case, therefore, is materially different from one where *bona fide* travel is sought to be established only by an uncorroborated assertion after the occurrence.

7. The discrepancy regarding the father's name in the medical record undoubtedly requires consideration, but it cannot be viewed in isolation from the rest of the record. The appellant had consistently disclosed his father's name as *Dharam Singh* in the claim proceedings and in his evidence. His case was also that he had lost consciousness after the incident and regained consciousness only after about fifteen days. The medical record, on the other hand, was prepared when the injured person had been brought to hospital in an injured condition. More importantly, there is no material on record to establish that



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another person named *Shyam Singh* son of *Rati Lal* was in fact found injured at the relevant place and time. The discrepancy, therefore, does not itself establish that the person treated in the hospital was someone other than the appellant. At the highest, it is a circumstance requiring the identity of the injured person to be examined along with the other evidence. When the verified journey ticket, the railway record identifying the injured person as *Shyam Singh* son of *Dharam Singh* and the consistent identity disclosed by the appellant are considered together, the initial burden regarding *bona fide* travel stood discharged.

8. The next question is whether the injuries suffered by the appellant fall within the ambit of an “untoward incident” as placed in the Railways Act, 1989 (hereinafter referred to as the “Act”). On this aspect, there is contemporaneous railway evidence which assumes significance. Gangman *Nawab Khan* stated that on the morning following the incident, while proceeding towards his place of duty, he found an injured person lying between *Raima* and *Kishnari* near the outer signal. The injured person told him that he had fallen from a train and requested that medical treatment be arranged. Mr. *Khan* thereafter informed the Station Master, following which railway staff and the police were informed and arrangements were made for taking the injured person to hospital. The significance of this material is that the first link in the chain is supplied by a railway employee and by the respondent’s own contemporaneous records, rather than by a statement subsequently created only for the purpose of the claim.

9. It is correct that *Nawab Khan* could not state the particular train from which the injured person had fallen. That fact, however, cannot



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be elevated into evidence that the injured person had not fallen from a train at all. He was not an eyewitness to the fall and his evidence is, thus, relevant to the condition in which the appellant was found and to the statement made by him immediately thereafter. The inability of a person who finds an injured individual in the early hours of the morning to identify the particular train, by itself, is not inconsistent with the appellant having fallen from a passenger train during the preceding night. The evidence, therefore, has to be appreciated cumulatively rather than by isolating the absence of a witness to the actual fall.

10. The history of assault appearing in the medical record, in the absence of any supporting evidence establishing such an assault, cannot by itself displace the otherwise available evidence concerning the railway incident. Likewise, the fact that the precise manner in which the appellant came to be on the railway line cannot be established through an eyewitness is not fatal to the claim. In “Reeta Devi v. Union of India” this Court recently reiterated that the nature of injuries or the condition in which an injured person is found cannot, by itself, conclusively establish the precise manner in which the person came to be on the railway track.

11. Lastly, the reliance on the DRM report also requires to be considered in its proper perspective. The incident is of 18.04.2013, whereas the written statement along with the DRM report came to be filed before on 28.10.2021, after the matter had been transferred to Delhi in March 2021. The report was thus prepared and relied upon years after the occurrence. It cannot be given precedence over the



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contemporaneous record, the statement of the railway employee who found the injured person, the record of his removal to hospital and the verification of the journey ticket, merely because it is a departmental report.

12. The above evidence has to be considered keeping in view the statutory scheme of Section 124-A of the Act. The provision embodies a principle of strict liability and is beneficial in character. This does not mean that the claimant is relieved of establishing the foundational facts. It does, however, mean that once *bona fide* travel and the occurrence are supported by the surrounding circumstances, the claim cannot be defeated by requiring a degree of proof which is inconsistent with the nature of an accident occurring inside or in the vicinity of a moving train.

13. 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 21.10.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 22, 2026/na