



2026:DHC:7979



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

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CNR No. DLHC010056612023

+ **FAO 42/2023**

RAMVATI & ANR.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Ritu Reniwal, Sr. Panel
Counsel for UOI with
Mr.Mahendra Kumawat and
Mr. Gaurav Yadav, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 8502/2023 (Seeking condonation of delay of 350 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 350 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants, being residents of *Tehsil Atroli, Aligarh (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 pertinent to note that in “*Mohsina vs. Union of 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, in “*Reshma vs. Union of India*”², this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.

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 350 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 42/2023

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 06.12.2021 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/GZB/050/2019, titled as “*Smt. Ramwati&Ors. vs. Union of India*”.

¹(2017) SCC OnLine Del 10003

² (2026) SCC OnLine Del 2704



2. The brief facts of the case, as averred in the claim application, are that on 28.04.2018, one *Dalvir Singh* (hereinafter referred to as the “deceased”) was travelling from *Bhuvneshwar* to *Ghaziabad* Jn. on the strength of a valid journey ticket. It is the case of the appellants that while the train was passing near *Danwar* Railway Station, the deceased came near the door of the coach and, due to the jerk and push of fellow passengers, accidentally fell from the moving train between Pole Nos.1358/27 and 1358/29 and died.

3. The Tribunal framed, inter alia, the issues as to whether the deceased was a *bona fide* passenger and whether his death had occurred on account of an accidental fall from the train amounting to an “untoward incident” under Sections 123(c) and 124-A of the Railways Act, 1989 (hereinafter referred to as the “Act”). The Tribunal answered both issues against the appellants, principally relying upon the non-recovery of the journey ticket, the nature of injuries sustained by the deceased and the DRM Report, and consequently dismissed the claim.

4. Learned counsel for the appellants, while assailing the impugned judgment, contends that the findings of the Tribunal are contrary to the evidence placed on record. It is submitted that AW-1/Smt. *Ramwati* and AW-2/*Ramesh Kumar* categorically deposed regarding the journey undertaken by the deceased and his possession of a ticket from *Bhuvneshwar* to *Ghaziabad*. It is further submitted that the Station Master’s Memo itself records that the deceased had “fallen from Train No.12801”. Learned counsel also submits that the DRM Report was prepared much after the incident and could not have



been relied upon in preference to the contemporaneous railway record.

5. Learned counsel for the respondent, on the other hand, supports the analysis made out in the impugned judgment and submits that the journey ticket allegedly possessed by the deceased was not recovered and the only ticket found on his person was an old ticket pertaining to a different journey from *Tatanagar* to *Dalbhumgarh*. It is further submitted that the injuries suffered by the deceased were consistent with a case of run-over and that the DRM inquiry concluded that the deceased was a “trespasser”. It is, therefore, contended that the incident was not an “untoward incident” within the meaning of the Act.

6. The first question which arises for consideration is whether the deceased was a *bona fide* passenger. Pertinently, in “*Union of India v. Rina Devi*”³, the Supreme Court has held that mere absence or non-recovery of a ticket from an injured or deceased passenger does not, by itself, negative the claim of *bona fide* passenger. The initial burden lies upon the claimant, which can be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways. The said principle has also been reiterated by the Supreme Court in “*Lata v. Union of India*”⁴.

In the present case, AW-1, the wife of the deceased, deposed that the deceased had gone to *Bhuvneshwar* in connection with his business and was returning to his home in *Aligarh*. She specifically stated that he had purchased a ticket for his journey and was travelling

³(2019) 3 SCC 572

⁴2026 SCC OnLine SC 1350



by *Purushottam* Express. In addition to the said testimony, AW-2/*Ramesh Kumar*, the step-son of the deceased, stated that the deceased had called him on 28.04.2018 at about 9:00 p.m. and informed him that he had taken a ticket for travelling from *Bhuvneshwar* to *Ghaziabad*. Both the witnesses were examined and cross-examined before the Tribunal and nothing contradictory was elicited in their cross-examination to discredit their testimony regarding the journey. The Railway, despite having contested the claim, failed to rebut the testimony of AW-1 and AW-2. The deceased is, accordingly, held to be a *bona fide* passenger.

7. The next substantial issue is whether the death of the deceased was caused in an “untoward incident”. The Station Master’s Memo, *Danwar*, records that “one person after falling from 12801 Express is lying in 3rd line in front of station.” This document assumes significance as it is the earliest railway record describing the occurrence. Significantly, the respondent, though, states that the deceased was run over by *Purushottam* Express at the place of occurrence, however, there is no cogent evidence placed on record to show that the deceased was crossing the railway track or was otherwise present there as a trespasser. There is no witness examined whose statement could be used to corroborate the aforesaid fact. The fact that the deceased sustained crush and amputation injuries may establish the violent nature of the accident, but it cannot, by itself, establish that he was already upon the track as a trespasser.

8. A similar view has been taken by this Court in “*Prempal Singh*



&Anr. v. Union of India”⁵, the possibility of a passenger falling from a moving train and thereafter coming under its wheels cannot be ruled out merely from the condition of the body. In the present case, the possibility pleaded by the appellants is not merely speculative. The post-mortem report records ante-mortem injuries including amputation of the right arm, crush injury to the right hip and crush injury to the left knee, but does not give any opinion ruling out an accidental fall from the moving train.

9. Also, the subsequent DRM Report, initiated on 27.09.2019, much after the incident and after institution of the claim, was also not proved through any witness. In these circumstances, the Tribunal could not have treated the nature of the injuries as conclusive proof of a “trespasser” being “run over”.

10. Accordingly, in view of the absence of any direct evidence to the contrary, and particularly in view of the contemporaneous Station Master’s Memo, the version of an accidental fall cannot be discarded merely on an inference drawn from the injuries. The death of the deceased is held to have occurred in an “untoward incident” within the meaning of the Act.

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

⁵2018 SCC OnLine Del 9571



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instance on 07.10.2026.

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

SEPTEMBER 17, 2026

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