



2026:DHC:8644



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

% Reserved on : 28.07.2026
Pronounced on : 01.10.2026
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CNR No. DLHC010250032025

+ **FAO 116/2025**

SH. RAMAKANT & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIARespondent
Through: None.

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 14.02.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/231/2024.

2. None appeared for the respondent despite service. With the assistance of learned counsel for the appellant, this Court has perused the claim application, the documents including the DRM Report, and the other material available on the record. The matter is accordingly



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proceeded with for adjudication.

3. Notably, the claim application came to be filed in context of the death of one *Shiv Singh* (hereinafter referred to as the “deceased”), who, on 07.11.2021, purchased a valid journey ticket at *Kanchausi* Railway Station and boarded a Passenger MEMU for travelling towards *Phaphund*. It was pleaded that, due to rush in the train, he was standing near the gate and, while the train was passing between *Kanchausi* and *Phaphund* near village *GhasaKa Purva*, he accidentally fell from the running train and sustained fatal injuries.

4. Learned counsel for the appellants, while assailing the impugned judgment, submitted that the Tribunal erred in rejecting the claim primarily on the ground that no journey ticket was recovered from the deceased. It was submitted that the Station Master’s memo and the *Panchnama* clearly establish that the deceased had died after coming into contact with a train and that non-recovery of the ticket could not, by itself, negate his status as a bona fide passenger. Reliance was placed upon “*Union of India v. Rina Devi*”¹, to contend that the initial burden could be discharged by the affidavit of the claimant and that the absence of a recovered ticket was not conclusive against the claim. Learned counsel further submitted that the injuries suffered by the deceased and the fact that the body was found in two parts could not be treated as proof of a “run-over”, as such injuries could also result from a fall from a moving train. The appellants also questioned the reliance placed upon the DRM Report, contending that the inquiry was initiated after considerable delay.

¹(2019) 3 SCC 572



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5. As noted above, the respondent has remained unrepresented despite service. A perusal of the record would show that the respondent had taken a stand taken before the Tribunal that the deceased was not a *bona fide* passenger and that the material collected during the inquiry indicated that he had been on or near the railway line when he was hit by a train. The respondent also relied upon the evidence of RW-1/Amit Kumar, Head Constable, RPF, who had reached the spot after receiving information regarding the incident. Emphasis was laid on the statement of RW-1, who stated that the deceased's brother, *Jitendra Singh*, had reached the spot, identified the body and stated that the deceased had gone to visit the fields.

6. In view of the peculiar facts of the present case and for the sake of convenience, both the issues, that is the status of the deceased being a *bona fide* passenger and the incident falling within the ambit of an "untoward incident", are being taken up together.

7. The submission that the mere non-recovery of the journey ticket could not, by itself, defeat the claim is correct, however, that is not the sole basis on which the Tribunal has rejected the claim. The appellants were required to establish, on the evidence available, that the deceased was travelling as a *bona fide* passenger and that his death occurred in an "untoward incident" as defined in the Railways Act, 1989 (hereinafter referred to as the "Act").

8. The difficulty in accepting the appellants' version arises from the contradiction in the very sequence of events pleaded by them. AW-1/Ramakant stated that the deceased boarded the train at about 21:00 hours, whereas the Station Master's memo had already recorded



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information regarding the dead body at 19:48 hours. This discrepancy goes to the root of the alleged journey and cannot be treated as a minor inconsistency. More importantly, this version of the father has to be considered alongside the evidence of RW-1, who reached the spot after receiving the information and deposed that the deceased's brother *Jitendra Singh* had stated that the deceased had gone towards the fields. The brother was present at the spot, identified the body and was also one of the *Panchas* to the *Panchnama*.

9. Thus, the contemporaneous circumstances do not merely show that the ticket was not recovered, they render serious doubt on the appellants' account of the deceased having undertaken the pleaded passenger journey at all. The appellants' contention that there was no eyewitness to the actual fall from the train also does not, by itself, establish their version. Likewise, the fact that the deceased suffered fatal injuries after coming into contact with a train cannot, without further evidence, establish that he was travelling "in" that train as a passenger and accidentally fell from it. The evidence of RW-1, read with the statement attributed to the deceased's brother at the spot, assumes significance in this context, particularly when it is considered against the subsequent version of the father regarding the time and manner of the alleged journey.

10. The case, therefore, fails because the appellants' own evidence regarding the alleged journey is materially inconsistent with the contemporaneous railway record. These circumstances, when considered together, do not establish that the deceased was a *bona fide* passenger who died in an "untoward incident" within the meaning of



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Section 124-A of the Act. The findings of the Tribunal, therefore, do not call for interference.

11. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

12. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 01, 2026

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