



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

% Reserved on : 16.01.2026
Pronounced on : 23.01.2026
Uploaded on : 24.01.2026

+ **FAO 327/2025**

KHUSHI & ORS.Appellants

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

versus

UNION OF INDIARespondents

Through: Dr. Ishaan Swarana Sharma, SPC
with Ms. Shambhavi Sharma, GP
with Mr. Shubham Shukla, Mr.
Ayush, and Mr. Mukund Ranjan,
Advocates for UoI.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL.73805/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The present application is disposed of.

CM APPL.73804/2025 (Delay)

1. This is an application seeking condonation of delay of 15 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 15 days in filing the appeal is condoned.
3. In view of the above, the present application is disposed of.

**FAO 327/2025**

1. The present appeal has been preferred by the legal heirs of the deceased, i.e. *Naresh*, assailing the impugned judgment dated 29.07.2025 passed by the Railway Claims Tribunal, *Delhi* in Case No.OA/II/U/DLI/616/2024 titled “Smt. Khushi & Ors. Vs. Union of India”, *vide* which their claims seeking death compensation were dismissed.
2. Notably, the legal heirs of the deceased had preferred the claim application, alleging that the deceased had undertaken the train journey on 23.03.2024 after purchasing a valid journey ticket bearing No.ALB54023348. He boarded the *Haldighati Express* (Train No. 19817) at *Gangapur City Railway Station* for an onward journey to *Fatehpur Sikri Railway Station*. The deceased, however, could not get down at the said station and, before the train could reach the next station, i.e. *Singarpur*, he fell down between *Kiraoli* and *Fatehpur Sikri* at KM No. 54/08-09 and died at the spot.
3. The claim was resisted by the respondent, denying that the death had occurred in an “untoward incident”. He further submitted that at the time of reporting, the dead body of the deceased was lying on the railway track when another train, i.e. train No.05914, passed from there. In this regard, the statement of the loco pilot, *Dhanraj Meghwal*, was recorded. He deposed that when he saw a dead body lying on the railway line, he stopped his train and got the incident recorded with the Guard in the said train. A written memo was also given to the Dy. Station Superintendent, *Fatehpur Sikri Railway Station*.
4. The Tribunal concluded that the deceased was neither a *bona fide* passenger nor did he die in an untoward incident. The aforesaid findings



were rendered as the respondent had claimed that in between the falling down of the deceased from the train and the discovery of his body by the aforementioned loco pilot, four other trains had passed and none of them had reported the dead body. The Tribunal came to the conclusion that the aforesaid shows that the death had not occurred on account of falling from a train.

5. As per the conceded case of the appellants, the body was discovered by the loco pilot of train No.05914, *Dhanraj Meghwal*, on the railway track, which was a single line. The accident had taken place roughly after 3.39 hrs when the train, *Haldighati Express*, had left the *Fatehpur Sikri Railway Station*. The appellant's contention that none of the other loco pilots discovered the body as it was midnight is plausible. The deceased was found with a valid ticket, and his body was found on the same track on which the deceased was undertaking his journey. Merely because the body of the deceased was discovered after four hours does not take away from this case being an "untoward incident". The first information about the incident was about a man being run over. The post-mortem report also records shock and hemorrhage because of ante-mortem injuries. In the DRM proceedings, the journey ticket was verified. The Supreme Court in Union of India Vs. Prabhakaran Vijaya Kumar & Ors.¹ has opined that the Railways Act is a beneficial piece of legislation and a narrow interpretation or restrictive meaning of "untoward incident" under Section 123(c) of the Act will deprive a large number of passengers from getting compensation in railway accidents. Further, Section 124A lays down strict or no-fault liability in case

¹ (2008) 9 SCC 527



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of railway accidents. Hence, if a case comes within the purview of Section 124A, it is wholly irrelevant as to who was at fault.

6. On a cumulative assessment of the facts and the legal position, this Court is of the considered view that the Tribunal fell into error in dismissing the appellants' claim. The impugned order is accordingly set aside, and the respondent is directed to pay compensation of Rs.8,00,000/- along with interest @ 12 % per annum from the date of filing of the claim application before the Railway Claims Tribunal till the date of realisation. The said amount shall be paid to the appellants within a period of 4 weeks from today.

7. The present appeal is disposed of in the aforesaid terms.

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 23, 2026

pmc