



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

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FAO 324/2019

MANARAJIYA & ORSAppellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood & Ms. Megha Sood, Advocates.

versus

UNION OF INDIARespondent
Through: Mr. Mukul Singh (CGSC) with Ms.
Ira Singh, Mr. Aryan Dhaka, and Ms.
Nandini Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred against the judgment dated 05.06.2017 passed by the Railways Claims Tribunal, Principal Bench, Delhi in Case No. OA (IIu) 80/2016.
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants. The claim application came to be filed seeking death compensation in the context of a train accident allegedly suffered by *Sh. Ram Gopal Paw* (hereinafter “deceased”) on 08.05.2015. It was claimed that the deceased undertook the train journey from *Delhi* to *Bhiwani* by *Kalindi Express Train* after purchasing a valid journey ticket, which somehow was lost at the time of the incident. It was further claimed



that on account of a sudden jerk and push by the passengers from inside the compartment, the deceased accidentally fell down from running train at *Old Delhi Railway Station* itself and died on the spot.

3. Learned counsel for the appellant contended that though the Tribunal held the incident to be an “untoward incident”; it dismissed the claim by observing that the deceased was not a *bona fide* passenger, as no journey ticket was found on his person.

4. Learned counsel for the respondent, on the other hand, has defended the impugned judgment.

5. The two primary issues that arose before the Tribunal were:-

- i. Whether the deceased was travelling as a *bona fide* passenger of the train in question at the relevant time of the incident?
- ii. Whether the death of the deceased has occurred in an untoward incident, as defined under Section 123 of the Railways Act?

6. While considering Issue No. 1, it was noted that the deceased was stated to be returning home to *Bhiwani* from *Delhi* after attending a *Kisan Rally*. The journey ticket claimed to have been purchased was not recovered at the time of the incident from the person of the deceased. Only one pocket diary and one old ticket from *Gurgaon* to *Delhi* were recovered. The Tribunal observed that in all probability, had the deceased purchased a journey ticket for travelling from *Delhi* to *Bhiwani*, the said ticket would have been kept in the same diary and would have been recovered. The Tribunal held the issue against the claimant.

7. While answering Issue No. 2, the Tribunal held that the deceased fell from the train at *Old Delhi Railway Station*. The said fact was admitted by



the respondent and, therefore, Issue No. 2 was answered in the affirmative in favour of the claimant.

8. Pertinently, in support of his claim, the claimant had examined one *Vijoo Krishnan*. A perusal of his testimony would reveal that he deposed that on 03.05.2015, the deceased along with others had come to *Delhi* for attending a *Kisan Rally*. While the others went back, the deceased stayed in *Delhi* as he had some work to attend to in *Gurgaon*. On 07.05.2015, the deceased returned from *Gurgaon* to *Delhi* and stayed with the witness at his house. On 08.05.2015, he brought the deceased to *Delhi Railway Station* on his motorcycle and in his presence, the deceased had purchased a journey ticket for his journey from *Delhi* to *Bhiwani*. In cross-examination, he claimed that he was the Joint Secretary of *Akhil Bhartiya Kisan Sabha* and that the deceased was a worker of the said organisation. He further stated that the deceased was not related to him.

9. At this juncture, this Court is reminded of the fact that the Supreme Court has repeatedly held that the provision pertaining to compensation in Railways Act is a beneficial piece of legislation and should accordingly receive a liberal and wider interpretation instead of a narrow and technical one. Further, the liability under Section 124A has been held to be strict.

10. Though the initial burden is on the claimant to prove that the deceased was a *bona fide* passenger, this burden can be discharged by filing an affidavit of the relevant facts, whereafter the burden shifts onto the railways to prove otherwise.

11. In the present case, the affidavit of *Vijoo Krishnan* has discharged the initial burden and the mere fact that the train ticket was not recovered amongst other valuables of the deceased would not negate the fact that he



was a *bona fide* passenger.

12. This Court in reaching the above conclusion is guided by the decision of the Supreme Court in Union of India Vs. Rina Devi¹, wherein it was observed as under:

“29. We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances. This will have to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.”

13. In view of the aforesaid, the appellants are held to be entitled to compensation. Having reached the said conclusion, this Court deems it apposite to remand the matter back to the Tribunal for awarding of the scheduled compensation.

14. Accordingly, the matter shall be listed before the Railway Claims Tribunal on 02.02.2026 for the purpose of awarding compensation in terms of the Railway Accident Compensation Rules, 1990. The compensation granted thereof shall be remitted within a period of 4 weeks.

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

**MANOJ KUMAR OHRI
(JUDGE)**

JANUARY 21, 2026/nb

¹ (2019) 3 SCC 572