



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

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Reserved on : 13.02.2026
Pronounced on : 16.02.2026
Uploaded on : 16.02.2026

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FAO 237/2022

GURUVACHAN SINGH

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ruchir Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The appellant, being the claimant before the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter “the Tribunal”), is aggrieved by the dismissal of his claim application *vide* the impugned judgment dated 29.03.2022 passed in Case No. OA(IIu)/DLI(LKO)/275/ 2021.

2. The claim application came to be filed in the context of an incident wherein one *Sh. Shahvanshee* (since deceased), aged 82 years, undertook a train journey on 10.06.2015 from *Etawah* to *Shikohabad* on *Kanpur-Tundla Passenger Train*. It was claimed that while travelling in the said train, the deceased fell from the train near *Jaswantnagar Railway Station* and suffered fatal injuries. The Tribunal reached the conclusion that the deceased was neither a *bona fide* passenger nor had he died in an “untoward incident” as defined under Section 123(c) of the Railways Act, 1989 (hereinafter “the



Act").

3. Assailing the aforesaid findings, learned counsel for the appellant, while referring to the decision in *Union of India Vs. Rina Devi*¹, contended that though no train ticket was recovered, the claim application was accompanied by an affidavit of the son of the deceased, wherein the material facts had been duly stated. Further, the incident had occurred between *Jaswantnagar Railway Station* and *Balrai Railway Station*, and the first information about the incident was duly recorded in the Memo issued by the Station Master, *Balrai Railway Station*, to the effect that the body of a person had been discovered by the Railway Keyman on 10.06.2015 at KM 1179/20-1179/22. The postmortem of the deceased was also conducted on the very same day. It is thus submitted that the deceased was a *bona fide* passenger and the incident resulting in his death was an "untoward incident", which the learned Tribunal failed to appreciate.

4. Learned counsel for the respondent, while disputing the contentions raised on behalf of the appellant, defended the impugned judgment and submitted that the deceased had undertaken an unlawful travel. He argued that the fact that the dead body in the present case was found between two railway lines belies the claim of an "untoward incident" as defined under the Act.

5. I have heard the learned counsels for the parties and perused the record.

6. Pertinently, though no journey ticket was recovered, the claim application was duly accompanied by the affidavit of the appellant/*Guru vachan Singh*, the son of the deceased. He deposed that he

¹ (2019) 3 SCC 572



had accompanied his father to the *Etawah Railway Station* where, in his presence, a journey ticket was purchased, and his father boarded the *Kanpur-Tundla Train*. He further stated that the train was overcrowded and his father was forced to undertake the journey while standing at the door of the coach. As such, this Court is of the considered opinion that the appellant has been able to discharge his initial burden by stating the aforesaid facts, in terms of the decision in *Rina Devi (supra)*, wherein it has been held 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.”

(emphasis added)

7. Another gainful reference may be made to the decision in *Doli Rani Saha Vs. Union of India*², wherein the above-stated ratio of *Rina Devi (supra)* was reiterated by the Full Bench of the Supreme Court:-

“15. From the recapitulation of the various judicial pronouncements leading to the present appeal, it can be seen that the primary issue is whether the deceased was travelling on the train in question. In Rina Devi, a two-Judge Bench of this Court considered the question of the party on which the burden of proof will lie in cases where the body of the deceased is found on railway premises. This Court held that the initial burden would be on the claimant, which could be discharged by filing an affidavit of the relevant facts. Once the claimant did so, the burden would then shift to the Railways. Significantly, it also held that the mere absence of a ticket would not negate the claim that the deceased was a bona fide passenger.”

² (2024) 9 SCC 656



Thus, the issue as to the deceased being a *bona fide* passenger is decided in favour of the appellant.

8. Coming to the next contention as to whether the incident can be classified as an “untoward incident”, it is pertinent to note that the place of accident is a mid-station, i.e., between the *Jaswantnagar Railway Station* and the *Balrai Railway Station*. The body of the deceased was discovered between two railway lines, and it is not denied that the subject train had also passed through the two aforesaid stations.

9. Merely the fact that the body of the deceased was found between two railway lines would not *ipso facto* mean that the deceased had not undertaken a journey aboard the said train as claimed. In the present case, the incident is a mid-station mishap which statedly took place much away from the boarding station. In a catena of decisions, this Court has held that the mere placement of a body a few meters away from the track should not result in a denial of compensation as it is highly probable that an injured person, upon falling, would try to move away from the train to avoid further injuries. A gainful reference in this regard is made to the decision in *Budhu Singh & Ors. Vs. Union of India*³, the relevant extract from which is reproduced hereunder:-

“14. ... The plea by the Learned counsel for the respondent that the body was found little away from the railway tracks cuts no ice. It would be relevant to invite reference to decision in the case of *Maya Devi v. Union of India* [FAO 221/2013], wherein the following observations were made:

‘6. The other conclusion of the Tribunal that since the body was lying towards the down track and hence there was no train travel is equally fallacious. Firstly, the Tribunal cannot conclude that merely because the dead body was recovered in the field 6-7 meters away from the down track adjacent to the up-track in which the deceased

³ 2025 SCC OnLine Del 1718



was travelling, this case will not be a case of a fall from the train. It is very much possible that after falling down from the train, the deceased had that much amount of life and strength to move himself for a few meter before completely collapsing. Merely because the body is found 6-7 meters away from the track cannot mean that the deceased was not travelling on the train. This conclusion of the Tribunal is also therefore quite clearly erroneous and is hence set aside.'

15. In the present case, it starkly comes out that the deceased was working at Chandigarh, who was a native of Nagina, and the body of the deceased was found somewhere on the railway track between Raisi and Balawali, and it can be reasonably inferred that due to the shear intensity of the speed of the train, the body was flung away and landed at some distance from the railway tracks."

10. Accordingly, the issue as to the deceased having passed away as a consequence of an "untoward incident" is also decided in favour of the appellant.

11. Considering all the above, this Court has no hesitation in upsetting the decision rendered by the Tribunal and concluding that the appellant is entitled to death compensation.

12. Let the matter be placed before the Tribunal for award of compensation, for which reason the matter shall be listed before the Tribunal at the first instance on 27.02.2026. The Tribunal is requested to direct disbursement of the compensation within two months.

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

14. A copy of this judgment be communicated to the Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

FEBRUARY 16, 2026

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