



2026:DHC:2120



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

% Reserved on : 05.02.2026
Pronounced on : 13.03.2026
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+ **FAO 34/2026**

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

UNION OF INDIARespondent
Through: Mr. Dhananjai Rana, CGSC for UOI
with Mr. Arvind, GP.

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

JUDGMENT

CM APPL. 7965/2026 (Exemption)

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

CM APPL. 7964/2026 (Condonation of delay of 200 days)

1. By way of the present application, the appellant seeks condonation of delay of 200 days in filing the accompanying appeal under Section 23 of the Railway Claims Tribunal Act, 1987.
2. Learned counsel for the appellant submits that the delay occurred on account of circumstances beyond the control of the appellant. It is submitted that the appellant belongs to an economically weak background. Owing to



his medical condition and financial constraints, the appellant was unable to obtain timely legal advice and arrange for the filing of the present appeal within the prescribed period of limitation. It is further submitted that the delay is neither intentional nor deliberate.

3. In this regard, reference may be made to the decision of this Court in *Mohsina v. Union of India*¹, wherein a Co-ordinate Bench condoned a delay of 804 days in filing the appeal while taking into account the socio-economic condition of the claimants and the beneficial object of the legislation.

4. Having considered the submissions made and the view of the decision in *Mohsina (supra)* and keeping in view the beneficial nature of the legislation, this Court is satisfied that the appellant has shown sufficient cause for the delay in filing the present appeal.

5. Accordingly, the application is allowed and the delay of 200 days in filing the present appeal is condoned.

6. The application is disposed of in the above terms.

FAO 34/2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the impugned judgment dated 29.04.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in Claim Application No. OA II(u) No. 321/2024, whereby the claim application filed by the appellant seeking injury compensation was dismissed.

¹ (2017) SCC OnLine Del 10003.



2. The case of the appellant before the Tribunal was that on 11.03.2024, he boarded Train No. 14218 (Unchahar Express) after purchasing a journey ticket from Panipat to Delhi and accidentally fell from the moving train due to heavy rush, resulting in grievous injuries including amputation of both legs.

3. Learned counsel for the appellant assailed the impugned judgment contending that the Tribunal erred in rejecting the claim by relying upon the DRM Report and the testimony of RW-1, while disregarding the testimony of the appellant. It was submitted that mere non-recovery of the journey ticket cannot be treated as conclusive proof of absence of *bona fide* travel, particularly in cases involving grievous injuries. Reliance was placed upon the decision of the Supreme Court in Union of India v. Rina Devi² to contend that the initial burden upon the claimant can be discharged by filing an affidavit and that thereafter the onus shifts upon the Railways to rebut the same.

4. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal rightly concluded that the appellant failed to establish his status as a *bona fide* passenger. It was contended that no journey ticket was recovered during *jamatalashi* and that the appellant's version was unsupported by any co-passenger or independent evidence. It was further submitted that the entries made by the Loco Pilot immediately after the incident, as reflected in the Loco Pilot Note Book and Station records clearly indicate that the incident was a case of "man run

² (2019) 3 SCC 572



over”, which constituted reliable contemporaneous evidence.

5. A brief examination of the evidence on record does not support the appellant’s plea that the injuries were sustained on account of an accidental fall from the train. The Tribunal has relied upon the testimony of RW-1, the Assistant Loco Pilot of Train No. 14218, who categorically stated that while approaching KM 88/84 between *Babarpur-Panipat*, he saw a person come onto the track and lay down in front of train. Despite blowing the horn and applying brakes, the person came under the train. He had proceeded to inform the Station Master, Panipat through his walkie talkie and also informed the Guard of the train. The said version is also supported by the railway records, including the entry made in the Loco Pilot Notebook dated 11.03.2024 recording the incident as “MRO” (man run over). These entries, being made in the ordinary course of official duty immediately after the occurrence, carry significant evidentiary value.

The Tribunal placed reliance upon the testimony of RW-1, whose evidence remained consistent, and corroborated by contemporaneous railway records including the Station Master memo recorded immediately after the incident and the DRM Report. The appellant failed to rebut RW-1 in cross-examination or produce any material contradicting his version. The record reflects that RW-1 gave his statement on 14.04.2024, i.e., within about one month of the incident dated 11.03.2024. The proximity of the statement to the occurrence lends strong credibility regarding its reliability, as it reduces the possibility of deliberation or any changes. In *Union of India vs. Rina Devi (supra)*, the Supreme Court emphasized that claims must be decided on



the basis of “attending circumstances”, and in the present case, the attending circumstances support the loco pilot’s testimony rather than the appellant’s claims. The Tribunal was therefore justified in placing reliance upon such material.

6. Insofar as the finding of the Tribunal on the appellant’s status as a *bona fide* passenger is concerned, the legal position in this regard stands settled by the Supreme Court in Rajni v. Union of India³, where it was stated that the initial burden to establish lawful travel lies upon the claimant. Admittedly, no ticket was recovered during *jamatalashi* conducted, and none was produced later. However, the appellant in his deposition stated that he had purchased the journey ticket. Even if it is held that the appellant was able to discharge the initial burden, he is not entitled to receive any compensation as the incident does not fall in category on ‘untoward incident’.

7. 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.

8. Accordingly, the present appeal is dismissed.

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 13, 2026/kb

³ 2025 SCC OnLine SC 2182