



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

% Reserved on : 06.07.2026  
Pronounced on : 07.07.2026  
Uploaded on : 07.07.2026

+ **FAO 210/2024**

BABLI & ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Neeraj, SPC with Mr. Sahaj  
Garg, Advocates

**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 14.01.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/GZB/218/2016, titled as "*Smt. Babli & Ors. vs. Union of India*".

2. The brief facts, as stated in the claim application, are that on 31.05.2016, Sh. *Rajeev Kumar* (hereinafter referred to as the "deceased") was travelling from *Nagina* to *Aghwanpur* by Train No. 54464, *Agra-Rishikesh* Passenger, on the strength of a journey ticket bearing No. G-13340767. It was stated that when the train reached *Kanth* Railway Station, the deceased accidentally fell from the moving train and sustained grievous



injuries. He was initially taken for medical treatment and was subsequently admitted to Cosmos Hospital, *Moradabad*, where he succumbed to his injuries in the intervening night of 31.05.2016 and 01.06.2016.

3. Vide the impugned judgment, the Tribunal dismissed the claim application filed by the appellants. Though the Tribunal returned a finding that the deceased had suffered injuries on account of a fall from Train No. 54464 and decided the issue of “untoward incident” in favour of the appellants, the claim came to be rejected on the ground that the deceased had not been established to be a *bona fide* passenger within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assails the impugned judgment by contending that the *panchnama* proceedings specifically record recovery of journey ticket dated 31.05.2016 from the belongings of the deceased. The said ticket was for travel from *Nagina* to *Moradabad* and its issuance was subsequently verified by the railway authorities.

Learned counsel further submits that the Tribunal placed undue reliance upon an alleged statement attributed to the deceased during the period of his treatment, wherein he is stated to have disclosed that he was travelling on an MST which had been lost in the incident. It is contended that the said statement neither bears the signature nor the thumb impression of the deceased. Further, no medical document or opinion of the attending doctor was produced to establish that the deceased, who had suffered serious injuries and died on the following day, was conscious and medically fit to make such a statement. It is further submitted that, having regard to the nature of injuries sustained by the deceased and the treatment administered to him immediately after the accident, the possibility of him being under



sedation cannot be ruled out and, in such a condition, he may have inadvertently referred to the journey ticket as MST.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the deceased was not a *bona fide* passenger. It is contended that immediately after the incident, no journey ticket was found from the deceased and, in the statement recorded during his treatment, he himself disclosed that he was travelling on an MST which had been lost. It is further submitted that the ticket subsequently relied upon by the appellants was recovered only on the next day, i.e., 01.06.2016 and the circumstances relating to its issuance rendered the same doubtful. According to the respondent, the Tribunal has rightly appreciated the evidence and no interference is called for.

6. This Court has heard the learned counsels for the parties and perused the material placed on record.

7. At the outset, it is noted that the occurrence of an accidental fall from the train is no longer in dispute. The Tribunal itself returned a finding that the deceased had fallen from Train No. 54464 DN and that the railway as well as police record confirmed the fall at *Kanth* Railway Station.

The controversy in the present appeal is, therefore, confined to the finding on the issue that whether the deceased was a *bona fide* passenger.

8. The Tribunal disbelieved the case of the appellants principally on two grounds. First, it relied upon the alleged statement of the deceased recorded on 31.05.2016, wherein he is stated to have disclosed that he was travelling on an MST which had been lost in the incident. Second, the Tribunal found the ticket subsequently produced by the appellants to be doubtful on account of the time at which it was issued.



9. The aforesaid conclusion, however, requires examination in the light of the entire material on record. The *panchnama* proceedings prepared on 01.06.2016 records the articles found in connection with the deceased and specifically refer to Journey Ticket No. G-13340767 dated 31.05.2016. Significantly, the ticket was also subjected to verification by the railway authorities and its issuance from the concerned booking office was confirmed.

10. The principal material relied upon to disbelieve the aforesaid recovery is the statement attributed to the deceased on 31.05.2016. A perusal of the same would show that it does not bear either the signature or the thumb impression of the deceased. The statement is stated to have been recorded when the deceased was under treatment after sustaining serious injuries in the incident. He succumbed to his injuries during treatment in the intervening night of 31.05.2016 and 01.06.2016 at about 12:15 am and despite this, no medical record has been brought on record to show that, at the relevant time, he was conscious, oriented and fit to make a statement. In such circumstances, the alleged statement could not, without further corroboration, have been accorded overriding evidentiary value.

11. There is another aspect of the matter. The Tribunal also doubted the journey ticket by comparing its time of issuance with the scheduled departure time of Train No. 54464. It observed that the train was scheduled to depart at 16:33 hours, whereas the ticket had been issued subsequently at 17:52 hours, and on that basis concluded that the ticket appeared to be planted.

12. No Train Signal Register (TSR) or any other operational record showing the actual movement of the train was placed before the Tribunal. A



scheduled departure time cannot, by itself, establish the actual running position of a train on a particular date. In the absence of the relevant record, the conclusion that the ticket must necessarily have been procured after departure of the train remains inferential.

13. In this regard, reference may be made to the decision of the Supreme Court in *Union of India v. Rina Devi*<sup>1</sup>, wherein it was held that the initial burden lies upon the claimant, which may be discharged by filing an affidavit of the relevant facts, whereafter the burden shifts upon the Railways and the issue has to be determined on the basis of the attending circumstances.

In the present case, the appellants stand on a stronger footing than a case involving mere non-recovery of a ticket. Apart from the affidavit tendered in support of the claim, the *panchnama* proceedings record the recovery of the journey ticket and the ticket itself was subsequently verified by the railway authorities. Once such material was brought on record, the same could not have been discarded merely on the basis of suspicion, particularly when the railway record capable of establishing the actual movement of the train was not produced.

14. The DRM inquiry report also substantially proceeds on the alleged statement attributed to the deceased and the circumstance that no ticket was initially found. However, the subsequent *panchnama* proceedings recording the ticket and its verification form part of the documentary chain and were required to be weighed against the material relied upon in the inquiry.

Once the railway journey and accidental fall stands established, the recovery of a verified journey ticket from the belongings of the deceased constitutes a

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<sup>1</sup>(2019) 3 SCC 572



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material circumstance bearing directly upon his status as a *bona fide* passenger within the meaning of the Act.

15. In view of the aforesaid discussion, this Court is of the considered opinion that the appellants had discharged the initial burden of establishing *bona fide* travel. The material relied upon by the respondent was insufficient to rebut the same.

16. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of compensation payable to the appellant in accordance with law and direct the authorities concerned to disburse the same within two months from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 17.07.2026.

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

18. A copy of this judgment be communicated to the learned Tribunal.

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**JULY 07, 2026**

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