



2026:DHC:5924



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

% Reserved on : 20.07.2026
Pronounced on : 24.07.2026
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+ **FAO 191/2025**

RUBI DEVI& ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ashish K. Dixit, CGSC with
Mr.Umar Hashmi, Mr. Ayush and
Ms. Iqra Sheikh, 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 06.03.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/269/2023, titled as “Smt. Rubi & Ors. vs. Union of India”.

2. Vide the impugned judgment, the Tribunal held dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the incident fall within the definition of an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”).

3. Briefly stated, the case set up by the appellants before the Tribunal



was that on 19.06.2022, the one Sh. *Kamlesh Kumar* (hereinafter referred to as the “deceased”) after purchasing a journey ticket for travelling from *Faridabad* to *Kanpur*, boarded a train from *Faridabad* Railway Station. It was alleged that when the train reached near *Lakadpur* Railway Station, the deceased accidentally fell from the running train due to push and pull inside the compartment. He sustained grievous injuries and later succumbed to the same on 20.06.2022. It was also their case that the ticket remained inside the bag of the deceased, which was left in the train.

4. Learned counsel for the appellants submits that the Tribunal ignored the fact that the deceased was a *bona fide* passenger and had died in an “untoward incident”. It is contended that mere non-recovery of the journey ticket cannot be a ground to reject the claim. It is further submitted that the testimony of Sh. *Ajay Kumar* (AW-2), who had accompanied the deceased to the railway station, duly supports the case of the appellants. It is also argued that the MLC, post-mortem report and the GRP record show that the deceased had suffered injuries in a railway accident.

5. On the contrary, learned counsel for the respondent submits that the appellants have failed to prove both the issues, that is, either that the deceased was travelling by train or that he accidentally fell from a running train. Learned counsel submits that the railway record, including the DRM Report, Investigation reports and the testimony of Sh. *Devender Kumar Saini* (RW-1), clearly show that the deceased was crossing the railway line near Gate No.579-B when Train No.12622 (*Tamil Nadu Express*) was passing through the section. It is, therefore, submitted that the incident was a run-over case and not an untoward incident under the Act.

6. This Court has heard learned counsels for the parties and has perused



the material placed on record.

7. The first question which arises for consideration is whether the deceased was a *bona fide* passenger.

8. The appellants have pleaded that the deceased had purchased a journey ticket from *Faridabad* to *Kanpur*. Admittedly, no ticket was recovered from the person of the deceased. The explanation given by the appellants is that the ticket was in the bag of the deceased which was left inside the train. As per the settled law in “*Union of India v. Rina Devi*”¹ mere non-recovery of the journey ticket cannot, by itself, be a ground to reject the claim. However, since the main dispute in the present case is with regard to the manner in which the incident occurred, this Court proceeds to examine whether the deceased died in an untoward incident as alleged by the appellants.

9. Upon a careful consideration of the material placed on record, this Court is unable to accept the case set up by the appellants. It is pertinent to note that Smt. *Rubi Devi* (AW-1), in her cross-examination, admitted that she was not present at the spot. She had neither seen the deceased purchasing the ticket nor boarding the train nor falling from the train.

Similarly, *Ajay Kumar* (AW-2) also admitted during his cross-examination that after dropping the deceased at *Faridabad* Railway Station, he returned from there. He also admitted that he had not witnessed the alleged fall from the train. Thus, neither AW-1 nor AW-2 is an eyewitness to the occurrence.

10. However, on the other hand, one *Sh. Devender Kumar Saini* (RW-1), who was posted as Gate Man at Gate No.579-B, categorically deposed that on 19.06.2022 at about 9:37 p.m., Train No.12622 (*Tamil Nadu Express*)

¹(2019) 3 SCC 572



was passing through the section and the railway gate had already been closed. He further stated that he noticed the deceased was carrying a bag and attempted to cross the railway line. Despite repeatedly warning him and raising an alarm to stop, the deceased did not heed the warning and continued to cross the track. According to RW-1, the deceased could not safely cross the railway line during the passage of the train and fell towards the Up Main Line, 3-4 foot away from the line. He further deposed that the injured was immediately shifted from the spot and the information was conveyed to the railway authorities.

11. The testimony of RW-1 finds support from the DRM Report, the investigation report by the RPF and the statements recorded during the statutory inquiry also consistently record that the deceased was found near Gate No.579-B and had sustained injuries while crossing the railway line. The said documents do not support the case that the deceased had “accidentally fallen from a running train” while travelling as a passenger.

12. The MLC and post-mortem report, relied upon by the appellants, do not advance the case of the appellants, as they only show that the deceased had suffered injuries in a “railway accident”. These documents, however, do not indicate or mention that the injuries were sustained due to an accidental fall from a running train.

13. In the considered opinion of this Court, the appellants have failed to produce any reliable material to show that the deceased had actually boarded a train and had accidentally fallen therefrom. The oral testimony led on their behalf is not based on personal knowledge of the occurrence. In contrast, the version put forward by the respondent is duly supported by the testimony of RW-1 as well as the official railway record.



2026:DHC:5924



14. This Court, therefore, finds no reason to differ from the conclusion arrived at by the Tribunal that the deceased had not suffered injuries in an “untoward incident” within the meaning of Section 123(c) of the Act.

15. In view of the aforesaid discussion, this Court finds no infirmity in the impugned judgment warranting interference.

16. The appeal is, accordingly, dismissed.

(MANOJ KUMAR OHRI)
JUDGE

JULY 24, 2026

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