



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

% Reserved on : 31.07.2026
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+ **FAO 315/2022**

CHANDU LAL & ANR.Appellants
Through: Mr.RajanSood, Ms.Ashima Sood and
Ms.MeghaSood, Advocates

versus

UNION OF INDIARespondent
Through: Mr. P.S. Singh, CGSC with Ms.
Shivangi Sharma, Mr. Piyush Mehra
and Mr. Rahul Kumar Sharma,
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 23.03.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/348/2020, titled as “Sh. Chandu Lal & Ors. Vs. Union of India”.

2. The brief facts of the case, as set out before the Tribunal, are that on 20.10.2019, one *Sh. Naresh Mahor* (hereinafter referred to as “the deceased”) was travelling from *New Delhi* to *Faridabad* by a local EMU train. It is the case of the appellants that while the train was proceeding between *Tuglakabad* and *Faridabad* Railway Stations, the deceased accidentally fell down from the running train, sustained fatal injuries and died on the spot.



3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the alleged incident qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assailed the impugned judgment contending that the deceased had undertaken a lawful journey on the strength of a valid journey ticket, which was lost at the time of the accident. It was further contended that the deceased, while between *Tuglakbad* and *Faridabad*, accidentally fell from the running train and thus, the case squarely falls within the scope of an “untoward incident”. Further, reliance was placed upon the decision of the Supreme Court in “Union of India v. Rina Devi”¹ to contend that mere non-recovery of the journey ticket cannot be determinative of the deceased’s status as a *bona fide* passenger.

5. *Per contra*, learned counsel for the respondent, while supporting the impugned judgment, submitted that this case is not of an accidental fall, rather, the deceased was run over by an unknown locomotive. The respondent placed reliance on the serious injuries on the body of the deceased, including multiple abrasions, fractures and bruises. The respondent further submits that claimants are not eyewitnesses to the fall, and, in fact, no one has seen the deceased purchase a ticket, board a train or fall from it. Moreover, the respondent argues that the CDR forming part of the DRM Report shows that the deceased’s mobile phone remained active at

¹ (2019) 3 SCC 572



Faridabad till the night of 19.10.2019, casting doubt on his alleged presence in New *Delhi*.

6. This Court has heard the arguments addressed on behalf of both the parties and has perused the material on record.

7. Insofar as the issue of *bona fide* travel is concerned, it is an admitted fact that no ticket was recovered and no evidence was placed on record regarding its purchase. However, as held in *Rina Devi* (supra), mere non-recovery of a ticket cannot, by itself, be treated as conclusive against the claim of *bona fide* passenger status. This principle was reiterated by the Supreme Court in “*Lata v. Union of India*”², which further clarified that the initial burden of the claimant can be discharged by way of an affidavit, and that the mere absence of a recovered ticket does not alter the deceased’s status as a *bona fide* passenger, particularly when there is no denial of the fact of travel or of the occurrence of the incident and the case does not fall within any of the statutory exceptions.

Applying the aforesaid principle to the facts of the present case, AW-1, Sh. *Chandu Lal* (father of the deceased), successfully discharged the initial burden through his affidavit, in which he specifically deposed that the deceased was travelling from New *Delhi* to *Faridabad* after purchasing DJ-related equipment. The Tribunal discarded the testimony of AW-1 primarily on the ground that it lacked credibility because he was not an eyewitness either to the purchase of the ticket or to the alleged incident.

8. Accordingly, in view of the foregoing discussion, this Court is of the view that in the absence of any cogent material to rebut the said evidence, the testimony of AW-1 cannot be discarded, and the Tribunal erred in

² 2026 SCC OnLine SC 1350



denying the deceased the status of a *bona fide* passenger.

9. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act is concerned, the Tribunal primarily rejects this issue on the basis of the physical injuries recorded in the *panchanama*, as well as the post mortem report.

10. In the considered opinion of this Court, the nature of the injuries, by itself, cannot conclusive of a run-over while the deceased was crossing the track. A Coordinate Bench of this Court in “*Rajpati Vs. Union of India*”³ has observed that a body found in a cut-up condition does not necessarily rule out a fall from a moving train. In the present facts, the deceased could well have gotten entangled in the steps or wheels of the same train from which he fell. Such a sequence of events could equally account for the presence of grease material at various places on the body. The post-mortem report describes the injuries but does not contain any medical opinion excluding the possibility of an accidental fall followed by the body coming under the wheels. Consequently, the Tribunal’s conclusion ruling out the possibility of an accidental fall is not borne out by the material on record.

11. The Tribunal further analysed the Train Signal Register (TSR) and observed that while the body was reported at 06:40 hrs., an earlier train from Delhi had passed the spot at 05:33 hrs. The Tribunal held that had the body been lying at the site since then, it would likely have been noticed and reported by the drivers of trains that passed *via* the same route thereafter. This court, however, finds no merit in this reasoning. The mere fact that the body remained unnoticed by the loco pilots of eight trains that passed

³ 2014 SCC Online Del 2540



between 05:33 hrs and 06.40 hrs. cannot, by itself, negate the occurrence of an accidental fall.

12. A reference in this regard, may also be made to the decision of “Sh. Surendra Prasad Verma vs. Union of India⁴”, wherein it has been held that a mere delay in the recovery or discovery of the body cannot, by itself, be a determinative factor to disbelieve the case of accidental fall, particularly in the absence of any cogent evidence to the contrary.

Applying the said principle to the facts of the present case, the mere fact that the body was noticed after some time cannot lead to an adverse inference against the claimant or discredit the appellant’s version. It needs no reiteration that the provisions of Section 124-A of the Act embody a strict liability regime (Ref: Union of India Vs. Prabhakaran Vijaya Kumar⁵). Once the occurrence is shown to fall within the definition of an “untoward incident”, compensation cannot be denied except on proof of one of the limited statutory exceptions.

13. 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 25.08.2026.

14. The appeal is allowed in the above terms.

⁴ (2014) SCC OnLine Del 2917

⁵ (2008) 9 SCC 527



2026:DHC:6551



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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 11, 2026

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