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

% Reserved on : 29.07.2026
Pronounced on : 14.08.2026
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+ **FAO 230/2026**

CHITTAR SINGH&ANR.Appellants
Through: Ms. Amrita Singh, Advocate

versus

UNION OF INDIA,THROUGH GENERAL MANAGER,
NORTH CENTRAL RAILWAY, ALLAHABADRespondent
Through: Mr. Vishwa Pal Singh, CGSC
with Mr. Dev Pratap and Mr.
Abhijit Singh, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 48681/2026 (exemption)

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

CM APPL. 48682/2026 (Seeking condonation of delay of 173 days in filing the appeal)

1. By way of the present application, the applicants/appellants seek condonation of delay of 173 days in filing the appeal.
2. Learned counsel for the appellants submits that the delay has occurred because the certified copy of the impugned order was received only on 21.11.2025. The former counsel had declined to



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file the appeal, and the counsel engaged subsequently required time to examine the record. Upon receipt and examination of the record, legal advice was rendered in July 2026, whereafter the appeal was promptly e-filed on 21.07.2026 and re-filed on 25.07.2026 after removal of the office objections.

3. Keeping in view that the Railways Act, 1989 and the Railways Claims Tribunal Act, 1987 are beneficial and social welfare legislation intended to provide compensation to victims of railway accidents, a liberal and justice-oriented approach is warranted while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

4. In view of the aforesaid, the application is allowed and the delay of 173 days in filing the appeal is condoned.

5. The application is disposed of accordingly.

FAO 230/2026

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 04.11.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/ DLI/602/2025.

2. The appellants, who were the claimants before the Tribunal, are the family members of one *Sh. Devesh Pratap* (hereinafter referred to as the “deceased”). Appellant no. 1, *Sh. Chittar Singh*, is the father of the deceased and Appellant no. 2, *Smt. Amrit Rani*, is the mother of the deceased.



3. The brief facts of the case, as set out before the Tribunal, are that on 12.04.2024, the deceased was travelling from *V.Lakshmi Bai, Jhansi* to *Bhusawal* on the strength of a valid journey ticket, bearing no. UCE 18644747 along with his two brothers. It is the case of the appellants that while boarding Train No. 12716 (*Sachkhand Express*), the deceased accidentally fell from the moving train as a result of which, he sustained grievous injuries and was removed to the Medical College, *Jhansi*, where he succumbed to the injuries on 13.04.2024.

4. *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”).

5. Learned counsel for the appellants assailed the impugned judgment contending that the Tribunal failed to appreciate the evidence placed on record which corroborated the deceased’s *bona fide* travel and the occurrence of an accidental fall from the train. It is further argued that the respondent neither led any oral evidence, nor produced any eyewitness or contemporaneous railway records to establish any statutory exception under the Act. It is further argued that the official railway records verifying the issuance of a journey ticket constitute *prima facie* proof of *bona fide* travel, and that the absence of a seizure memo or other lapses in investigation cannot defeat an otherwise genuine claim.



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6. On the other hand, learned counsel for the respondent submitted that no journey ticket was recovered from the deceased and that the ticket subsequently produced by the appellants was unreliable. It was further submitted that the *Panchnama* did not mention the presence of the deceased's brother as a co-passenger, nor was his statement recorded during the investigation, thereby casting serious doubt on the appellants' version.

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

8. The first question which arises for consideration is that whether the deceased was a *bona fide* passenger at the time of the incident.

9. The appellants have placed on record copies of two railway tickets bearing nos. UCE 18644747 & UCE 18644748, for two persons and one person respectively, which, though not produced at the time of the incident by the co-passenger, were subsequently filed by the appellants. Upon verification received from the Booking Office, the Tribunal noted that the said tickets were confirmed to be genuine.

10. A perusal of the Train Signal Register (TSR) placed on record would show that the train had left *Jhansi* Station only at about 19:40 hrs. Consequently, the purchase of the railway ticket at about 19:30 hrs, prior to the departure of the train, cannot be treated as a circumstance casting any doubt upon the validity of the ticket or the *bona fide* status of the deceased. This position is further fortified by



the fact that the said tickets were subsequently verified by the Railway authorities and were found to be genuine.

11. The testimony of AW-1, the father of the deceased, as well as that of *Keshvind*, the co-passenger and brother of the deceased, assumes significance and has been consistent to the effect that the deceased was travelling on a valid railway ticket. The said testimony, coupled with the subsequent verification of the tickets by the Railway authorities, establishes that the deceased was travelling with a valid journey ticket.

Accordingly, the initial burden casted upon the appellants, in terms of the principles laid down in “*Union of India v. Rina Devi*”¹, having thus been discharged, the evidentiary burden shifted upon the respondents to establish, by cogent evidence, that the deceased was not a *bona fide* passenger. The respondents have failed to discharge the said burden.

12. In view of the aforesaid discussion, this Court is of the considered view that the railway tickets placed on record by the appellants constitute valid journey tickets and, consequently, the deceased is established to have been a *bona fide* passenger.

13. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act.

14. The mere non-examination of a particular witness cannot, by itself, be treated as conclusive against the appellants, especially when the version of the occurrence is otherwise supported by the

¹ (2019) 3 SCC 572



material available on record. An adverse inference is not to be drawn mechanically or in isolation, it must be considered in the context of the entire evidence. The absence of the testimony of the alleged eyewitness does not, of its own force, establish that the incident did not occur. The Tribunal was required to assess the entire body of evidence and determine whether the occurrence of an “untoward incident” stood established on the touchstone of the material on record, rather than reject the claim solely on account of the non-examination of one witness.

15. Equally significant is the statement of *Keshvind*, the brother of the deceased and his co-passenger, as recorded in the DRM inquiry, wherein he stated that the deceased fell from the train while attempting to board the same. His statement about the manner of occurrence has remained consistent, and there is nothing on record to demonstrate any material contradiction or circumstance which would render his version inherently unreliable.

16. It is well settled that the accidental falling of a *bona fide* passenger from a train, including while boarding or alighting from the train, constitutes an untoward incident within the meaning of Section 123(c) read with Section 124-A of the Railways Act, 1989, unless the case is shown to fall within any of the statutory exceptions. (Ref: *Rina Devi* (supra) and *Union of India v. Prabhakaran Vijaya Kumar*)² In the present case, no such exception has been established by the respondents.

²(2008) 9 SCC 527



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17. 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 31.08.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 14, 2026
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