



2026:DHC:6938



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

% Reserved on : 10.08.2026
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+ **FAO 404/2024**

GEETA KUMARI @ GEETA DEVIAppellant

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

versus

UNION OF INDIARespondent

Through: Ms. Avshreya Pratap Singh
Rudy, CGSC with Mr. Rahul
Kumar Sharma, Govt.
Pleader

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 10.07.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application bearing No. OA/II(U)/DLI/134/2023.

2. Briefly stated, the claim application came to be filed by the appellant claiming compensation on account of the death of her son, *Yogendra Pratap* (hereinafter referred to as the “deceased”). It was the case of the appellant that the deceased, on 30.06.2018, had left his home to travel to *Ahmedabad* for employment and had reached *Agra* Fort, from where he purchased a second-class Superfast



Railway ticket for travelling to *Ahmedabad*. It was averred that, while travelling in the train, the deceased accidentally fell from the running train and sustained fatal injuries. His dead body was thereafter found near the railway line and was taken to Government *Amrit Kaur* Hospital, *Beawar*.

3. The Tribunal, after considering the material on record, dismissed the claim application holding that the appellant had failed to establish that the deceased was a *bona fide* passenger or that he had died in an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel appearing for the appellant assails the impugned judgment principally on the ground that the Tribunal failed to appreciate the recovery of the deceased’s belongings, the journey ticket subsequently produced by the family and verified by the Railways, the police proceedings and the medical record. It is contended that mere non-recovery of a ticket from the deceased cannot, by itself, defeat a claim under the Act. The appellant also questions the reliance placed upon the DRM Report, contending that the inquiry was initiated almost one year after the incident.

5. The respondent, on the other hand, has contested the claim application. It was pleaded that neither the train in which the deceased was allegedly travelling nor the manner in which he sustained the fatal injuries could be established. It was further stated that no railway ticket was recovered from the deceased during the search conducted after the incident and the ticket subsequently relied upon by the appellant was stated to have been produced later



by the family.

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

7. The appellant's case throughout has been that the deceased had purchased a journey ticket from *Agra Fort* to *Ahmedabad* and was travelling on the strength of the said ticket. The original ticket bearing No. 92613696 was subsequently produced before the Tribunal. Significantly, the said ticket was also verified by the Railways and found to be genuine.

8. The fact that the ticket was not recovered during the initial search is undoubtedly a circumstance which required consideration. However, the appellant had furnished an explanation for its subsequent recovery, and more importantly, the genuineness of the ticket stood verified by the Railways' own records itself. There is no material on record to suggest that the ticket was fabricated or that it could not have been in the possession of the deceased.

9. The Supreme Court in Union of India v. Rina Devi¹ has specifically held that mere absence of a ticket with the deceased will not negative his status as a *bona fide* passenger. The initial burden is upon the claimant, which may be discharged by the relevant affidavit and surrounding circumstances, whereafter the burden shifts to the Railways.

The present case stands on an even stronger footing since the journey ticket itself has been produced and its genuineness has been verified by the Railways.

¹ (2019) 3 SCC 572



10. Coming next to the manner of occurrence of the incident in question, the contemporaneous record establishes that the deceased was found dead on 01.07.2018 near LC Gate No.22 at KM No.339/5-6. The Station Master/Gateman informed the railway authorities at about 7:30 a.m. and the GRP proceedings followed. The deceased had suffered severe head and bodily injuries and the final GRP report also recorded that the deceased had died due to a train accident causing severe head injury and shock.

11. The respondent's principal reliance, however, is upon the fact that the body was found "outside the railway line" and that the particular train from which the deceased fell could not be identified. In the opinion of this Court, these circumstances cannot, by themselves, disprove the appellant's case. A person falling from a moving train may, due to the speed or direction of the train, land outside the track. The location of the body, therefore, cannot be treated as conclusive proof that the deceased was not travelling in a train.

12. The TSR of *BangurGram* Station, relied upon by the respondent, also does not advance its case as the said TSR pertains to the trains passing through *Bangur Gram* at around 07:30 hrs on 01.07.2018, i.e. around the time when the body was noticed. The deceased, however, was stated to have purchased the journey ticket from *Agra Fort* at about 19:02 hrs on 30.06.2018. Thus, the TSR produced by the respondent does not establish the trains which were available from *Agra Fort* at the relevant time on the preceding evening.



Significantly, the TSR of *Agra Fort Station* has not been placed on record. The Tribunal, therefore, could not have drawn an adverse inference against the appellant merely because the train corresponding to the *Bangur Gram* TSR could not be linked with *Agra Fort* in absence of any assertion to that effect. It is also pertinent to note that no witness has been examined to establish that the train in question originated from *Agra* and not *Agra Fort*. In fact, the ticket itself indicates the boarding station as *Agra Fort*, and its genuineness having been verified by the Railways, the absence of the *Agra Fort* TSR assumes significance.

13. Though, Sh. Bahadur Singh/Loco Pilot and Sh. Prabhu Dayal/Guard of Train No. 12547 were examined but were of no avail. In fact, the particular train from which the deceased had fallen could not be ascertained during the subsequent inquiry. Furthermore, it is also significant that there is no independent evidence of any eyewitness or any railway official who had actually witnessed the occurrence which could establish that the deceased had been run over while crossing the railway line, or that he had not fallen from a running train. Thus, the mere fact that the body was found outside the track cannot, in the absence of such positive evidence, be treated as proof of a different manner of death.

14. Lastly, the DRM Report, on which the respondent substantially relies, was prepared after a considerable delay. The incident occurred on 01.07.2018, whereas the DRM inquiry was initiated only on 30.06.2019 and the report was submitted on 15.07.2019. Thus, the inquiry was initiated nearly one year after the



incident and after the claim proceedings had already been instituted.

15. The delay in initiating the DRM inquiry assumes significance when the report is examined against the contemporaneous material. This Court, in catena of decisions, has considered the evidentiary value of belated DRM inquiries and held that such subsequent inquiries cannot be permitted to displace the contemporaneous material merely on the basis of inferences drawn much later. In the present case also, the DRM Report proceeds on the basis that no ticket was recovered during the initial search and that the body was found outside the railway line. The former circumstance loses much of its force in view of the subsequent verification of the ticket.

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 08.09.2026.

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

AUGUST 19, 2026

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