



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

% Reserved on : 21.07.2026
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+ **FAO 95/2022**

HOTI LAL & ANR.Appellants
Through: Mr. Prashant Kumar Shisodia,
Advocate

versus

UNION OF INDIARespondent
Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar
Saxena, Ms. Reba Jena Mishra and
Ms. Poonam Shukla, 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 08.10.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/ GZB/186/2018, titled as "Sh. Hoti Lal & Others v. Union of India".
2. The appellants herein, who were the claimants before the Tribunal, are the family members of Sh. *Satyapal Sharma* (hereinafter referred to as the "deceased"). Appellant no. 1, *Hoti Lal* is the father of the deceased and Appellant no. 2, *Asha Devi* is the mother of the deceased.
3. The brief facts of the case, as set out in the claim application, are that on 10.02.2018 the deceased was travelling from *New Delhi* to *Aligarh* on the



strength of a valid second-class journey ticket bearing no. F67194602. It was the case of the appellants that, while the train was approaching *Aligarh* Station, the deceased accidentally fell from the running train, sustained fatal injuries and died on the spot.

4. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants on the ground that the deceased was a *bonafide* passenger only up to *Aligarh* Station. It was observed that since his body was recovered 1.5 km beyond the *Aligarh* Station, his journey had come to an end and that he had ceased to be a *bona fide* passenger. Consequently, the Tribunal held that the alleged incident did not fall within the ambit of an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

5. Learned counsel for the appellants, while assailing the impugned judgment, contended that the deceased had undertaken a lawful journey on the strength of a valid second-class journey ticket which was recovered from his person during *jamatalashi*. It was further submitted that the Tribunal failed to appreciate the DRM Report, which categorically records that the deceased was a *bona fide* passenger, travelling with a valid journey ticket and the mere fact that the deceased’s body was recovered beyond the *Aligarh* Station, cannot, by itself, lead to the conclusion that he was not a *bona fide* passenger.

Reliance is placed upon the principles of strict liability embodied in Section 124-A of the Act and the judicial precedents holding that a presumption ought to operate in favour of a passenger being a *bona fide* passenger and that a person continues to enjoy such status while on railway premises or in a train.



6. *Per contra*, learned counsel for the respondents submitted that the Tribunal has rightly rejected the claim in view of the material on record. It was contended that the body of the deceased was found at a location beyond the *Aligarh* Station, and the information regarding the body being lying on the track was received from the driver of UP - *Panipat* goods train, who informed the Deputy SS, *Aligarh*, who further informed the Station Master of *Daud Khan* Station (DAQ). On the aforesaid basis, it was contended that since the body was recovered near *Pala Phatak*, which is beyond the *Aligarh* Station, the journey of the deceased stood concluded at *Aligarh* and he could no longer be regarded as a *bona fide* passenger beyond that point.

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

8. A bare perusal of the official material placed on record would show that the appellants' claim regarding the deceased travelling on the strength of a valid journey ticket leaves little room for dispute and is in fact recorded by the Tribunal, as well as accepted in the DRM report. Admittedly, the original ticket bearing No. F67194602, issued for travel from New *Delhi* to *Aligarh*, was recovered during the *jamatalashi* of the deceased.

9. Despite noting the aforesaid facts, the Tribunal proceeded to deny compensation solely on the ground that the body was recovered beyond the destination station and therefore the deceased ceased to be a *bona fide* passenger.

10. The statutory scheme does not contemplate that the status of a "passenger" automatically comes to an end merely because the incident occurs a short distance beyond the destination station. As per the DRM report, the body was found slightly beyond the destination station. The



Supreme Court in “*Union of India Vs. Prabhakaran Vijaya Kumar &Ors*”¹ has held that the Railways Act is a beneficial piece of legislation, and a narrow or restrictive interpretation of the expression “untoward incident” under Section 123(c) would defeat its object. The provision of Section 124-A of the Act provides for strict or no-fault liability, enacted to secure prompt and real relief to the dependants of railway accident victims without entangling them in disputes over fault or precise causation.

The mere fact that a passenger, having boarded with a valid ticket, is found at some distance beyond his intended station stands on no higher footing than other technical objections that this Court and the Supreme Court have consistently declined to treat as “fatal”. To hold otherwise would be to permit the Railways to escape liability.

11. Having held that the deceased was a *bona fide* passenger, the second question that arises for consideration is whether his death had occurred in an “untoward incident”.

12. A perusal of the earliest record prepared immediately after the occurrence would show that the incident was investigated throughout as one arising out of a “railway accident”. There is no material on record suggesting that the case was one of suicide, self-inflicted injury, intoxication, insanity or commission of any criminal act by the deceased nor the respondent also has produced any evidence showing deliberate trespass or intentional crossing of the railway line. The entire defence of the Railways rests merely upon assumptions drawn from the place where the body was found.

13. It also cannot be overlooked that merely because the body of the deceased was recovered a short distance beyond *Aligarh* Railway Station, it

¹(2008) 9 SCC 527



cannot necessarily follow that he had consciously or voluntarily continued his journey beyond the destination. There could be any number of explanations for such a circumstance, including the possibility that owing to rush inside the compartment, the deceased was unable to alight at *Aligarh* Railway Station and accidentally fell after the train had moved ahead. In the absence of any evidence establishing that the deceased had safely completed his journey and thereafter met with the incident independently of the railway journey, the appellants cannot be denied the benefit of the beneficial provisions of the Act solely on the basis of the place where the body was recovered.

14. A similar view has consistently been taken by this Court in similar factual situations. In “*Guruvachan Singh v. Union of India*”², this Court reiterated that merely because the body was found at some distance from the railway track would not, by itself, justify the conclusion that the deceased was not travelling by the train in question or that the incident did constitute an “untoward incident”. A similar principle was enunciated by the Bombay High Court in “*Vaishali w/o Nitesh Bhalerao v. Union of India*”³, wherein it was held that merely because a passenger is found to have travelled beyond the destination station cannot, by itself, result in the forfeiture of his status as a *bona fide* passenger.

15. The Tribunal appears to have adopted a hyper-technical approach in rejecting the claim on the basis of location of the body. In *Union of India v. Leela Devi*⁴, this Court has held that hyper-technical approaches and speculative inferences have no place in adjudication of claims under the

²2026 SCC OnLine Del 2351

³2010 (5) Mh.L.J.

⁴2014 SCC OnLine Del 1440



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Act. Thus, in light of the above, the court holds that the death of the deceased has occurred as a result of an “untoward incident” within the meaning of the Act.

16. Therefore, on an overall conspectus of the facts and the law as referred, this Court is of the considered view that the Tribunal was not justified in dismissing the appellant’s claim.

17. Accordingly, 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 appellants 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 21.08.2026.

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 06, 2026

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