



2026:DHC:6732



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

% Reserved on : 05.08.2026
Pronounced on : 14.08.2026
Uploaded on : 14.08.2026

+ **FAO 221/2026**

JAYKUMAR & ANR.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ankur Yadav, SPC and
Mr. Vanshul Pali, GP for
UOI

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 20.03.2026 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/768/2025.

2. The claim application came to be filed in the context of the death of one *Astik Kumar* (hereinafter referred to as the “deceased”), who, on 14.11.2024, was travelling from *Mandrak* to *Chamrola* by a passenger train. It was the case of the appellants that while the train was passing near *Sasni* Railway Station, the deceased accidentally



fell from the running train at Km. No. 1306/28-30 and sustained fatal injuries.

3. Vide the impugned judgment, the Tribunal held that the deceased had died as a result of an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”. However, the claim application came to be dismissed on the ground that the deceased was not proved to be a *bona fide* passenger.

4. Learned counsel for the appellants assails the impugned judgment by submitting that the Tribunal failed to appreciate that journey ticket No. UCD-12880641 was genuine and had been duly verified by the Railway authorities. It is submitted that the ticket was issued from *Mandrak* on 14.11.2024 at 16:17 hours and that the deceased was travelling with his co-passenger *Vivek Pratap Singh*, who had also informed the Railway authorities about the incident. Reliance is placed upon the decisions of the Supreme Court in “Union of India v. Rina Devi”¹.

5. Learned counsel for the respondent, on the other hand, submits that no journey ticket was recovered from the deceased during the *jamatalashi*. It is further submitted that the ticket relied upon by the appellants was found in possession of *Vivek Pratap Singh*, who had stated that the deceased had not purchased a ticket for himself and that the said ticket rather belonged to him.

6. The primary question which arises for consideration is whether the deceased was a *bona fide* passenger at the time of the

¹(2019) 3 SCC 572



incident.

7. It is trite law that mere non-recovery of a journey ticket from the deceased cannot, by itself, lead to the conclusion that he was not a bona fide passenger. In “*Rina Devi*” (supra), the Supreme Court held that the initial burden upon the claimants is not unduly onerous and may be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways. The aforesaid principle has recently been reiterated in “*Lata v. Union of India*”².

8. Admittedly, the journey ticket bearing No. UCD-12880641 produced by the appellants was verified by the Railway authorities and was found to be genuine. It was issued for travel from *Mandrak* to *Chamrola* on 14.11.2024 at 16:17 hours. The Tribunal, principally relying upon the statement of CW-1/*Vivek Pratap Singh* and the fact that no ticket was recovered from the deceased, held that the ticket belonged to CW-1 and not to the deceased.

9. It is, however, also borne out from the record that the father of the deceased had lodged a police complaint against CW-1 and his brother, alleging that they had murdered the deceased and placed his body near the railway track. In this backdrop, I find strength in the submissions of the learned counsel for the appellant that the testimony of CW-1 regarding the purchase of only one ticket ought to have been viewed with greater scrutiny.

Significantly, the Tribunal has overlooked the fact that the

²2026 SCC OnLine SC 1350



explanation given by CW-1 that the ticket was snatched from him by the associates of the deceased at the hospital surfaced only in his cross-examination. There is no such assertion in his earlier statement given before the Railway Authorities, nor does the DRM Report contain any reference to the ticket having been forcibly taken from him.

10. The provisions of the Act, being in the nature of beneficial legislation, ought not to be construed in a manner which defeats the legitimate claim of a dependent merely on the basis of an evidentiary doubt, particularly when the attending circumstances, viewed cumulatively, support the claim. The evidentiary picture cannot be reduced to the single circumstance of where the ticket was ultimately found. What is available on record is a valid ticket, duly verified to be genuine by the authorities, issued on the date of the incident, coupled with the deceased's undisputed presence in the train with CW-1. These circumstances, when considered cumulatively, make the appellants' case more probable than the contrary conclusion.

11. The initial burden having stood discharged, the respondent has not placed sufficient material on record to establish that the deceased was travelling without a ticket.

Accordingly, this Court holds that the deceased was a *bona fide* passenger at the time of the incident.

12. 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



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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.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 14, 2026
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