



2026:DHC:6660



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

% Reserved on : 04.08.2026
Pronounced on : 13.08.2026
Uploaded on : 13.08.2026

+ **FAO 411/2018**

SMT. LALITA & ORS.Appellants
Through: Mr. Ritik Singh, Advocate
versus
UNION OF INDIARespondent
Through: Ms. Ritu Reniwal, SPC 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 28.05.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/69/2017 titled as “Smt. Lalita & Ors. vs. Union of India Through General Manager, North Railway, New Delhi”.

2. The facts in a nutshell are that on 03.12.2016, one Sh. Radheshyam (hereinafter referred to as the “deceased”), who was employed as a labourer at Badli, Delhi, was travelling to his native village in Uttar Pradesh. He was accompanied by his younger brother to the Badli Railway Station, where a journey ticket up to Delhi Railway Station was purchased. The deceased thereafter boarded an overcrowded EMU train and was constrained to stand near the doorway of the compartment. When the train reached Adarsh Nagar



Railway Station, the deceased, owing to a sudden and forceful push from fellow passengers, fell from the moving train. He sustained grievous injuries and was initially removed to Dr. *B.R. Ambedkar* Hospital, *Delhi*, and thereafter referred to LNJP Hospital, where he succumbed to his injuries on 04.12.2016.

3. Although the Tribunal observed that the death by fall from the train may have been true and that the injuries were consistent with an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”), the claim was dismissed on the ground that the deceased had not been proved to be a *bona fide* passenger.

4. Learned counsel for the appellants contended that the Tribunal erred in dismissing the claim by holding that the deceased was not a *bona fide* passenger, without properly appreciating the evidence on record. AW-2/*Sonu*, the younger brother of the deceased, specifically deposed that he had purchased a ticket of Rs. 10/- for the deceased at *Badli* Railway Station and handed it over to the deceased. Due to overcrowding, there was sudden and heavy thrust from other passengers which caused the deceased to fall from the train. The respondent neither examined any witness nor produced any material to rebut this testimony or to establish that the deceased was ticketless. It is contended that a mere non-recovery of a journey ticket cannot lead to the inference that the deceased was not a *bona fide* passenger.

5. *Per contra*, learned counsel appearing for the respondent supported the impugned judgment and submitted that the deceased was not a *bona fide* passenger. Although AW-2/*Sonu* claimed that a



ticket from *Badli* to *Delhi* had been purchased and handed over to the deceased, no ticket was recovered from the person of the deceased. It is further contended that the DRM Report and the contemporaneous police record indicates that the death occurred due to an unauthorised entry onto the railway track followed by a run-over and since the claimants failed to discharge the burden of proving that the deceased was travelling with a valid ticket, the question of an “untoward incident” does not arise.

6. This Court has heard the arguments advanced by both the learned counsels for the parties and has gone through the material placed on record.

7. A perusal of the record would show that the appellants consistently maintained that the deceased had purchased a valid journey ticket before commencing the journey. In the claim application itself, it was specifically pleaded that the deceased had purchased the ticket from *Badli* to *Delhi* and that the same was lost in the course of the accident. The said stand was reiterated by AW-1/*Smt. Lalita*, the wife of the deceased, in her affidavit. More importantly, AW-2/*Sh. Sonu*, the brother of the deceased, categorically deposed that he had accompanied the deceased to *Badli* Railway Station, purchased a ticket of Rs. 10/- for the journey from *Badli* to *Delhi* Railway Station, and in his cross examination, remained consistent about the material particulars.

8. Furthermore, the Tribunal took note of the evidence furnished by CW-1/*Sh. Joginder Singh*, ASI, whereby he categorically deposed that a search of the deceased’s person was conducted and although an



Aadhaar card and a voter identity card was recovered, no railway ticket or MST was found.

9. It is well settled that the mere non-recovery of the ticket from the body of the deceased does not, by itself, negative the fact of its purchase, particularly when the ticket was computerised and the journey short (Ref: “Union of India v. Rina Devi”¹). The consistent and unrebutted statement given by AW-2 is sufficient to establish that the deceased was travelling as a *bona fide* passenger at the relevant time. Thus, the appellants discharged the initial burden upon them by leading consistent evidence regarding the journey undertaken by the deceased. The said principle has also been reiterated in “Lata v. Union of India”². In the present case, the respondent has failed to discharge the burden that had shifted upon it. Accordingly, the issue is answered in favour of the claimants.

10. Having held that the deceased was a *bona fide* passenger, the next question is whether the incident falls within the ambit of an “untoward incident” under the Act.

11. As noticed hereinabove, the Tribunal itself observed that the death by fall from the train may have been true and that the injuries noticed in the post-mortem report could have resulted from an “untoward incident”.

12. The DRM Report concluded that the deceased died on account of his own negligence and that the incident was a case of run-over. However, the respondents have not placed any cogent or reliable evidence on record to substantiate the said conclusion. No witness has

¹(2019) 3 SCC 572

²2026 SCC OnLine SC 1350



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been examined on their behalf, nor has any documentary material been produced to establish that the deceased had not fallen from the train and had, instead, been run over by it. There is equally no evidence to show that the deceased was seen crossing or walking upon the railway tracks. On the contrary, the appellants have established, through the unrebutted testimony of AW-2, that the deceased was travelling on a valid ticket and the said testimony lends credible support to the version put forth by the appellants. The DRM report, by itself, cannot displace the consistent testimonies regarding the travel of the deceased.

13. The incident, therefore, in the opinion of this Court constitutes an “untoward incident” within the meaning of the Act.

14. In view of the above, the appeal is allowed and 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 27.08.2026.

15. The appeal is allowed in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 13, 2026

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