



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

% Reserved on : 29.07.2026
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+ **FAO 180/2022**

MEENA DEVI & ORS.Appellants
Through: Mr.RajanSood, Ms. Ashima Sood and
Ms. MeghaSood, Advocates

versus

UNION OF INDIARespondent
Through: Ms. Pratima N. Lakra, CGSC with
Mr. Aryan Pathak and Mr. Shailendra
K. Mishra, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT
CM APPL. 29806/2022 (Seeking condonation of delay of 855 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 855 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants, being residents of *Krishna Nagar, Ghaziabad*, are poor and illiterate persons, and belong to an economically weaker section and, due to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.
3. It is noteworthy that in “*Mohsina vs. Union of India*”¹, a Co-ordinate

¹(2017) SCC OnLine Del 10003



Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, this Court in “*Brijesh Kumar and Ors. vs. Union of India*”², allowed the application, and a delay of 1326 days was condoned, considering the financial hardship of the appellants and the surrounding circumstances.

4. The Railways Act, 1989 and the Railways Claims Tribunal Act, 1987 arises out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

5. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

6. In view of the aforesaid, the application is allowed and the delay of 855 days in filing the appeal is condoned.

7. The application is disposed of accordingly.

FAO 180/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 24.10.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to

²(2026) FAO 49/2022 (04.04.2026)



as the “Tribunal”) in Claim Application No. OA/II(u)/ GZB/074/2015, titled as “Smt. Meena Devi &Ors. vs. Union of India”.

2. The brief facts of the case, as set out in the claim application, are that on 13.12.2014, one *Sh. Ram Avtar Pandey* (hereinafter referred to as “the deceased”) was travelling from *Ghaziabad* to *Khurjaby* a MEMU/passenger train on the strength of a valid second-class ordinary railway ticket. It was the case of the appellants that due to heavy rush and jerk inside the train, the deceased accidentally fell between *Ghaziabad* and *Maripat* railway station near *Chipyana Bujurg*, sustained fatal injuries and died on the spot. The journey ticket is stated to have been lost at the place of incident.

3. *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”).

4. Learned counsel for the appellants assailed the impugned judgment contending that the deceased had undertaken a lawful journey on the strength of a valid journey ticket, which was lost at the time of the accident. It was further contended that the deceased, owing to the heavy rush and jostling inside the compartment, accidentally fell from the running train and therefore the incident squarely falls within the scope of an “untoward incident”. Further, reliance was placed upon the decision of the Supreme Court in Union of India v. Rina Devi³ to contend that the mere non-recovery

³ (2019) 3 SCC 572



of the journey ticket cannot be determinative of the deceased's status as a *bona fide* passenger.

5. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal has rightly rejected the claim in view of the material on record. It is contended that this case is not of an accidental fall. Rather, the respondents placed reliance on the serious injuries on the body of the deceased, including crush injuries, fractures and below the knee amputation of both legs, to suggest that the deceased was run over by an unknown train when he was trespassing. The respondent further supported the case of trespassing in view of the findings in the DRM Report, wherein it is stated that the deceased was himself responsible for the accident.

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

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a *bona fide* passenger and whether the injuries sustained by the deceased were on account of an "untoward incident" as defined under the Act.

8. Insofar as the issue of *bona fide* travel is concerned, it is an admitted fact that no ticket was recovered and no evidence was placed on record regarding purchase of the same. However, as per *Rina Devi(supra)*, it is settled law that a mere non-recovery of a ticket cannot, by itself, be treated as conclusive. The initial burden resting upon the claimants is only to place on record the relevant facts and circumstances to establish *bona fide* travel, whereafter the onus shifts upon the Railway Administration to rebut the same by leading cogent evidence.



9. A gainful reference, in this regard, may be made to the recent decision of the Supreme Court in “Lata vs. Union of India”⁴, a relevant extract whereof is reproduced hereunder:

“19. Turning back to the present facts, there is a statement by the appellant that the deceased had a ticket in his bag for the journey. There is no other way to prove this. There is no denial of the deceased travelling in the train and occurrence of the incident. The factum of death and it not falling into the exceptions provided for, is quite clear. It is no one's case that the exceptions apply. Then, the claim only depends on the ticket. The said bag in which the ticket was allegedly kept, could not be recovered, more so by the Police. Be that as it may, we are of the view that the Courts below have erred in not awarding compensation to the appellant. The decision in Rina Devi (supra) subsequently approved by a Bench of three judges in Doli Rani Saha v. Union of India, records that merely because the ticket of a train journey was not found on the person of the deceased, will not change his status as a bona fide passenger. It has been held that the initial burden of the claimant can be satisfied by way of an affidavit. Such an affidavit has indisputably been filed by the claimant in the present facts.”

Applying the aforesaid principle to the facts of the present case, Sh. Ram Niwas Pandey/AW-2 has successfully discharged the initial burden by way of an affidavit wherein he categorically deposed that he went to drop the deceased to the Ghaziabad Railway Station and the deceased purchased a journey ticket from Ghaziabad to Khujra Junction in his presence. The Tribunal has discarded the testimony of AW-2 principally on the ground that during his cross examination, he stated that the deceased could have been travelling on the strength of a duty pass, though he was not aware of the same.

⁴2026 SCC OnLine SC 1350



In the opinion of this Court, the aforesaid answer does not detract from the categorical assertion of AW-2 that he had personally accompanied the deceased to the Railway Station and witnessed the purchase of the journey ticket. At best, it reflects his lack of knowledge as to whether the deceased was also carrying a duty pass and cannot be construed as a contradiction sufficient to discard his otherwise consistent testimony.

However, the respondent, apart from relying upon the non-recovery of ticket and the aforesaid discrepancy appearing in the testimony of AW-2, failed to lead any cogent evidence sufficient to rebut the presumption arising from the evidence adduced by the appellants. In view of the law laid down in *Rina Devi (supra)* and reiterated in *Lata (supra)*, the initial burden stood duly discharged by the appellants.

10. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act. The Tribunal primarily rejected this issue on the basis of the findings recorded in the post-mortem report, including crush injuries, fractures and below the knee amputation of both legs. The Tribunal interpreted these as proof that the deceased came in the grip of an unknown train while trespassing on the railway track, holding that such injuries could only be sustained if the deceased was run over.

11. However, a gainful reference in this regard may be made to the decision of the Coordinate Bench of this Court in “*Rajpati Vs. Union of India*⁵”:

“7. No doubt, the body is found in a cut up position, however, it is not

⁵ 2014 SCC Online Del 2540



inconceivable that while falling from the train, the deceased could have got entangled in the steps and the wheels of the same train in which he was travelling and surely which type of incidents are not unknown. Therefore, the Tribunal cannot only on the ground that the body of the deceased was in a cut up condition hold that the case was a case of run over and not of falling from a train.”

12. This Court is of the view that the Tribunal erred in holding that solely on the basis of the nature of the injuries, that the present case was one of a run over rather than an accidental fall. Such an interpretation of the physical condition of the body is speculative and arbitrary, not borne out of any cogent material on the record. Significantly, the contemporaneous documents, including the *panchnama*, merely record the recovery of the body near the railway track and the nature of the injuries sustained.

13. Moreover, even a run-over by a train does not, *ipso facto*, exclude the possibility that the person may have first fallen from a moving train and thereafter come under its wheels. Therefore, the Tribunal's categorical exclusion of an accidental fall is therefore not fully supported by the documentary record relied upon by it. Equally significant is the fact that no witness was examined by the respondent, nor was any statement of the Loco Pilot, Guard or any railway official brought on record to establish that the deceased was run over while trespassing on the railway track. The conclusion recorded in the DRM Report is, thus, not based on any direct evidence but merely on an inference drawn from the nature of the injuries and the non-recovery of the journey ticket.

In the absence of any independent eyewitness testimony or cogent material indicating a deliberate crossing of tracks, the inference of trespass remains doubtful.



14. This Court is mindful that the Act is a beneficial piece of legislation and should receive a liberal and wider interpretation instead of a narrow and technical one. The liability under Section 124A is strict, and contributory negligence on the part of the victim is not an acceptable defence (Ref: Union of India Vs. Prabhakaran Vijaya Kumar⁶).

15. 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 21.08.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST05, 2026

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⁶ (2008) 9 SCC 527