



2026:DHC:7021



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

% Reserved on : 12.08.2026
Pronounced on : 21.08.2026
Uploaded on : 21.08.2026

+ **FAO 65/2024**

NARESH KUMAR & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood & Ms. Megha Sood,
Advocates

Versus

UNION OF INDIARespondent
Through: Mr. Vikrant Nilesh Goyal,
Mr. Inderpreet Singh and
Mr. Kunal Dixit, 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 15.09.2023 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/ DLI/02/2022.

2. The brief facts of the case, as set out in the claim application, are that on 02.11.2021, one Sh. Vipul Kumar (hereinafter referred to as the "deceased") was travelling from Shahjahanpur to Moradabad on the strength of a reserved journey ticket. It is the case of the appellants



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that since the train was running late, the deceased boarded Train No. 05211 (*JanNayak Express*), going from *Shahjahanpur* to *Najibabad* after obtaining an EFT from the TTE on payment of additional charges. While the said train was passing through *Seohara* Railway Station, the deceased allegedly fell from the running train and sustained fatal injuries. It has been averred that even though the reserved ticket was recovered from the person of the deceased, the EFT receipt was lost in the 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 was a *bona fide* passenger as he travelling on Train No. 05211 only after obtaining a valid EFT by paying the requisite penalty to the TTE. It is argued that mere non-recovery of the EFT should not negate the *bona fide* status and that the death of the deceased resulted from an accidental fall amounting to an untoward incident under Section 123(c)(2) read with Section 124-A of the Act.

5. *Per contra*, learned counsel for the respondent submitted that the deceased was not a *bona fide* passenger of Train No. 05211, as the reserved ticket recovered was for a different train i.e., Train No. 04265 and no separate EFT or travel authority for Train No. 05211 was identified. Further, it is contended that since Train no. 05211 had no



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stoppage at *Seohara*, and upon relying on the eye-witness, Gateman *Monti Kumar*, who has stated that the deceased attempted to deboard the train, the fatal injuries sustained by the deceased are self-inflicted within the proviso to Section 124-A. Reliance is also placed on the decision of the High Court of *Punjab and Haryana* in “*Hemant Kumar @ Happy v. Union of India*”¹.

6. A bare perusal of the material placed on record shows that the version set up by the appellants regarding an accidental fall from a running train does not inspire confidence as the only journey ticket recovered from his person was in respect of Train No. 04265. Although, it has been contended that the deceased had obtained an EFT from the TTE upon payment of the requisite charges, no such EFT, however, was recovered from his person or otherwise produced on record.

7. It is further noted that a reliance on “*Union of India v. Rina Devi*”² would be misplaced herein. While non-recovery of a journey ticket, by itself, does not negate the *bona fide* status of a passenger, the present case stands on a different footing because the recovered ticket was for a different train and no EFT has been produced to establish valid authority to travel in Train No. 05211.

8. Coming next to the manner of the occurrence, it is an admitted position that Train No. 0522 had no scheduled stoppage at *Seohara* Railway Station. At this stage, the statement of the eye witness, *Monti Kumar*, the Gateman, who deposed that he had witnessed the deceased

¹ 2018 SCC OnLine P&H 4219

² (2019) 3 SCC 572



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“attempting to deboard from the moving train” assumes significance and is inconsistent with the surrounding circumstances, particularly the DRM report, wherein it is concluded that the deceased had attempted to “deboard the moving train” and had, consequently, met with the fatal accident on account of his own negligence.

9. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

10. Accordingly, the present appeal is dismissed.

**MANOJ KUMAR OHRI
(JUDGE)**

AUGUST 21, 2026

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