



2026:DHC:6796



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

% Reserved on : 10.08.2026
Pronounced on : 17.08.2026
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+ **FAO 359/2019**

SH. NASIM AHMAD & ORS.Appellants
Through: Mr. Prashant Kumar
Shisodia, Advocate

versus

UNION OF INDIARespondent
Through: Mr. Balendu Shekhar, CGSC
with Mr. Krishna Chaitanya,
Mr. Rajkumar Maurya and
Mr. Divyansh Singh,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 39591/2019 (condonation of delay of 24 days)

1. By way of the present application, the applicants/appellants seek condonation of delay of 24 days in filing the appeal.
2. For the reasons stated in the application, it is allowed and the delay of 24 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

FAO 359/2019

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated



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06.05.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/148/2018 “Sh. Nasim Ahmad & Ors. vs. Union of India”.

2. The brief facts of the case, as set out in the claim application, are that on 25.01.2018, one Smt. *Shahana* (hereinafter referred to as the deceased”), along with her minor daughter, was travelling from *Delhi Sarai Rohilla* to *Najibabad* by *Mussoorie* Express on the strength of a valid journey ticket bearing no. UAA-80610648 purchased by her son. After being asked by the TTE to leave the reserved coach, they deboarded at *Ghaziabad* and, while she was re-boarding the crowded general coach, amid a sudden jerk and push of passengers, she fell from the moving train and died on the spot. The journey ticket is stated to have been in the bag carried by the minor daughter.

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 Tribunal erred in dismissing the claim by failing to appreciate that the deceased was a *bona fide* passenger travelling on a valid journey ticket bearing no. UAA 80610648 from *Delhi Sarai Rohilla* to *Najibabad*, which had been purchased by the deceased’s son and was kept in the bag carried by her minor



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daughter. Reliance is placed on the decision of “Union of India v. Rina Devi”¹, where it is held that a mere absence of a ticket on the person of the deceased does not negative the claim that the deceased was a *bona fide* passenger. In view of the principles of strict liability laid down in “Union of India v. Prabhakaran Vijaya Kumar”² and “Jameela v. Union of India”³, wherein it is held that mere negligence or the circumstances of boarding does not amount to self-inflicted injury or fall within any statutory exception, and therefore, the claim deserves to be allowed.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the alleged journey ticket bearing no. UAA-80610648 was neither recovered from the body of the deceased nor mentioned in the *panchnama* or *jamatalashi*. The claim that the ticket was later found in a bag carried by the minor daughter is unsupported by any contemporaneous record. Further, the respondent supports the finding of the Tribunal that the deceased had not died due to an accidental fall from the train, but was run over by the train.

6. Insofar as the issue of *bona fide* travel is concerned, it is an admitted fact that no ticket was recovered during *panchnama* or *jamatalashi*, however, a general ticket bearing no. UAA-80610648 was placed on record along with the claim application. As per Rina Devi (supra), mere non-recovery of a ticket cannot, by itself, be treated as conclusive against the claim of *bonafide* passenger status.

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527

³ (2010) 12 SCC 443



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This principle was reiterated by the Supreme Court in “Lata v. Union of India”⁴, which further clarified that the initial burden of the claimant can be discharged by way of an affidavit, and that the mere absence of a recovered ticket does not alter the deceased’s status as a *bona fide* passenger, particularly when there is no denial of the fact of travel or of the occurrence of the incident and the case does not fall within any of the statutory exceptions.

Applying the aforesaid principle to the facts of the present case, AW-1/Sh. *Sameer Aftab*, son of the deceased, has successfully discharged the initial burden through his affidavit, wherein he categorically deposed that he had gone to the *Delhi Sarai Rohilla Railway Station* to see off the deceased and his minor sister and purchased the journey ticket bearing No.UAA-80610648 for the deceased. The Tribunal discarded his testimony principally on the ground that his deposition regarding the purchase of the journey ticket was inconsistent with the transaction record of the platform ticket purchased by him. However, such minor discrepancies do not detract from the consistent testimony of a witness who was present at the station and personally purchased the ticket. Such peripheral inconsistencies in the official record are liable to be ignored and cannot be permitted to overshadow the substantive proof of *bona fide* passenger status.

7. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act. The deceased had deboarded the reserved compartment on

⁴ 2026 SCC OnLine SC 1350



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being asked by the TTE and was thereafter attempting to board the crowded general compartment of the same train. The finding that an accidental fall was improbable merely because the train in question, *Mussoorie Express*, halted at *Ghaziabad* for approximately two minutes is based on unreasonable inferences. The duration of the halt, by itself, cannot establish that the deceased could not have attempted to re-board or change compartments. Pertinently, the Supreme Court in *Rina Devi* (supra) has held that a fall while boarding or deboarding a train would constitute an “untoward incident” within the meaning of the Act.

8. The reliance on the Station Master’s memo is misplaced as the mere recording that the deceased was “run over”, without any supporting eyewitness or other cogent evidence, cannot be treated as conclusive proof of the manner of occurrence. No independent witness was examined by the respondents who had actually seen the deceased on the tracks or witnessed her being run over. Thus, the conclusion of a run-over cannot, in the absence of supporting evidence, be preferred over the plausible case of an accidental fall from the train.

9. 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 07.09.2026.



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10. The appeal is allowed and disposed of in the above terms.
11. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 17,2026
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