



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

% Reserved on : 31.07.2026
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+ **FAO 207/2024**

SMT. ASHA & ANR.Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood &
Ms. Megha Sood, Advocates

versus

UNION OF INDIARespondent
Through: Mr. Kapil Dev Yadav, GP.Mr.
Jagdish Chandra, CGSCwith Mr.
Tushar Arora & Mr.Shubham Kumar
Mishra,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 16.01.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/131/2023 "Smt. Asha & Anr. vs. Union Of India".
2. The appellants, who were the claimants before the Tribunal, are the family members of one *Sh. Mormukhut* (hereinafter referred to as the "deceased"). Appellant no. 1, *Smt. Asha*, is the mother of the deceased and Appellant no. 2, *Sh. Budhapal*, is the father the deceased.



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3. The facts in a nutshell are that on 08.01.2019, the deceased was travelling from *Aligarh* to *Sasni* by a passenger train when he accidentally fell from the train between *Aligarh* and *Daud Khan*, sustained fatal injuries and died as a result whereof. The journey ticket is stated to have been lost during the said incident.

4. *Vide* the impugned judgment, the Tribunal dismissed the claim application, holding that the deceased was neither a *bona fide* passenger nor did the incident come within the ambit of an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”). The Tribunal principally relied upon the non-recovery of the ticket, delay in recovery of body and the nature of injuries sustained.

5. Learned counsel for the appellants assailed the impugned judgment contending that the deceased was a *bona fide* passenger, who, due to heavy rush, push and pull amongst passengers, accidentally fell from the running train. It was further contended that the Tribunal failed to appreciate the contemporaneous records, including the GD entry, *panchnama* and the opinion of the GRP, all of which consistently recorded the incident as one involving a fall from a train. Learned counsel further submitted that the mere non-recovery of the journey ticket could not, by itself, negate the deceased’s status as a *bona fide* passenger in view of the law laid down in “*Union of India v. Rina Devi*”¹.

6. *Per contra*, learned counsel for the respondent submits that the Tribunal has rightly dismissed the claim given the material on record. It is contended that no journey ticket was recovered from the deceased, no witness had seen him purchase a ticket, board any train or fall therefrom,

¹(2019) 3 SCC 572



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and there is no contemporaneous railway record of the alleged incident. Learned counsel further submits that, as per the Train Signal Register (TSR), no passenger train was operating on the relevant section during the period in which the deceased was allegedly travelling, and the body was recovered only around 12:51 hrs., and a little beyond the *Aligarh* Station, making the appellants' version inherently improbable. Reliance was also placed on the nature of the injuries recorded in the post-mortem report, which, according to the respondent, were consistent with a run-over case rather than an accidental fall from a train.

7. This Court has heard learned counsels for the parties and perused the material placed on record.

8. Insofar as the status of the deceased being a *bona fide* passenger 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, it is in consonance with the settled legal position as established in *Rina Devi* (supra), that the initial burden upon a claimant can be discharged by filing an affidavit setting out the relevant facts and that mere non-recovery of a journey ticket does not, by itself, negate the status of a *bona fide* passenger. Once such burden stands discharged, the onus shifts upon the Railway Administration to rebut the claim by leading cogent evidence. The said principle has also been reiterated in "*Lata v. Union of India*"².

Applying the aforesaid principle to the facts of the present case, Smt. *Asha* (AW-1), mother of the deceased, successfully discharged the initial burden through her affidavit, in which she specifically stated that the deceased had undertaken the journey from *Aligarh* to *Sasni* on the strength

²2026 INSC 715



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of a valid general ticket. In her cross-examination, she further stated that the deceased used to travel from *Aligarh* to *Sasni* on a daily basis as he was employed in a glass factory at *Sasni*.

9. The Tribunal discarded the testimony of AW-1 primarily on the ground that the parents were not aware about the whereabouts of their son; the deceased, and could not identify his body after 3 days of the incident. However, these, circumstances, by themselves, do not discredit her testimony regarding the deceased's regular journey between *Aligarh* and *Sasni* and purchase of the ticket. The appellants, therefore, discharged the initial burden of establishing the deceased's status as a *bona fide* passenger.

10. The next issue which arises for consideration is whether the death of the deceased occurred in an "untoward incident" within the meaning of Section 123(c) read with Section 124-A of the Act.

11. The Tribunal answered the issue of "untoward incident" against the appellants primarily on the basis that, although the *Panchnama* recorded recovery of the body at about 12:51 hrs., the Train Signal Register (TSR) showed no passenger train between *Aligarh* and *Sasni* from 08:35 hrs. to 12:15 hrs. Relying on the aforesaid, the Tribunal held that a body could not have remained unnoticed near the station for nearly four hours, especially during daytime when the area is frequented by railway staff, passers-by and goods trains as well.

12. In regard to the aforesaid, a gainful reliance is placed on the decision of this Court in "*Sh. Surendra Prasad Verma vs. Union of India*"³ wherein it was held that mere delay in the recovery or discovery of the body cannot, by

³(2014) SCC OnLine Del 2917



itself, be treated as a determinative factor to disbelieve the case of an accidental fall, particularly when there is no cogent evidence pointing to a contrary version.

Applying the aforesaid principle to the facts of the present case, the mere circumstance that the body was noticed after some time cannot lead to an adverse inference against the claimants or discredit their version. More importantly, the contemporaneous record, including GD No. 028 and the *panchnama*, records the information received regarding a person having fallen from a train and there is no other cogent material produced by the respondent to establish the alternative conclusion that the deceased had unauthorisedly entered upon the railway track and was run over.

13. In the facts of the present case, therefore, the version of accidental fall from the running train merits acceptance and the deceased is held to have died in an “untoward incident” within the meaning of the Act.

14. 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 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 and disposed of in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST12, 2026
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