



2026:DHC:6495



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

% Reserved on : 31.07.2026
Pronounced on : 10.08.2026
Uploaded on : 10.08.2026

+ **FAO 109/2025**

SMT. SAMEETA& ORS.Appellants
Through: Mr.RajanSood, Ms. Ashima Sood and
Ms. MeghaSood, Advocates
versus

UNION OF INDIARespondent
Through: Mr. Dhananjai Rana, Advocate

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 18.10.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/DLI/423/2023.
2. Briefly stated, on 06.10.2023, one Sh. *Lakshya Kumar* (hereinafter referred to as the “deceased”) was travelling from *Roorkee* to *Saharanpur* by Train No. 14712/14816, Ganganagar Intercity Express. It was the case of the appellants that while the train was approaching Saharanpur, the deceased fell from the running train near *Dhamola* Bridge/*Saharanpur* Home Signal and sustained fatal injuries. The deceased was not found in possession of the journey ticket and no post-mortem was conducted thereafter.



3. Vide the impugned judgment, the Tribunal dismissed the claim application on the ground that the deceased was neither a *bonafide* passenger nor did the incident in question fall within the ambit of 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 by submitting that the Tribunal erred in treating the non-recovery of the journey ticket as determinative against the appellants. It was further submitted that the contemporaneous record, including the information given by the Loco Pilot of Train No. 12053 regarding a dead body lying outside the track at Km No. 1590/13-15 and the *panchnama* proceedings, support the occurrence of a railway accident. Reliance was placed upon the decision of the Supreme Court in “Union of India v. Rina Devi¹”.

5. Learned counsel for the respondent, on the other hand, supported the impugned judgment and submitted that no journey ticket was recovered from the deceased and there was no eyewitness to the alleged fall from the train. It was further submitted that the Loco Pilot and Train Manager of Train No. 14816 had not received any information regarding a person falling from the train and the DRM report did not clearly establish that the deceased suffered an accidental fall from the train.

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

7. At the outset, insofar as the status of the deceased as a *bona fide* passenger is concerned, the mere fact that no journey ticket was recovered from the deceased cannot, by itself, be treated as sufficient to reject the

¹(2019) 3 SCC 572



claim. It is trite law that mere non-recovery of the journey ticket cannot, by itself, lead to the conclusion that the deceased was not a *bona fide* passenger. In Rina Devi (supra), the Supreme Court held that the initial burden upon the claimants is not an unduly onerous one and can be discharged by placing the attendant facts and circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by leading cogent evidence. The aforesaid principle has recently been reiterated in “Lata v. Union of India”².

Applying the aforesaid decisions to the present factual matrix, the appellants have consistently stated that the deceased was travelling from *Roorkee* to *Saharanpur* and that the journey ticket was lost in the incident. The same version is also reflected in the affidavit of his son, Sh. *Avnish Kumar* (AW-1). Merely because AW-1 was not an eyewitness to the deceased purchasing the ticket or boarding the train, his testimony cannot be discarded altogether, particularly when the claimants could not reasonably be expected to produce an eyewitness to such events. The respondent, apart from relying upon the non-recovery of the ticket and the DRM report, has not placed any independent evidence on record that the deceased was travelling without a ticket. The initial burden, therefore, stood discharged by the appellants.

8. The more material question is whether the deceased died in an “untoward incident”. The Tribunal principally proceeded on the basis that there was no eyewitness to the occurrence, the Loco Pilot and Train Manager of Train No. 14816 had not received any information regarding the fall, and no ticket was recovered from the deceased. However, the Dy. Station Superintendent’s memo records that one Sh. *Jagdish*/Loco Pilot of

²2026 SCC OnLine SC 1350



Train No. 12053 informed the railway authorities at about 16:40 hours regarding a dead body lying outside the track at Km No. 1590/13-15 near *Saharanpur* Home Signal. The subsequent police proceedings record that the body was found outside the railway line and that both legs of the deceased were cut and there was an injury on his head.

The impossibility of a passenger being so crushed after a fall from a moving train has not been conclusively established in law, so as to obviate all such claims for compensation. It is not prudent to say that a person would suffer only a particular set of injuries on account of a fall from a speeding train. It is possible that the deceased while standing near the overcrowded passenger compartment door, slipped down while holding on to the door-railing, and in the valiant and violent melee his legs or his body could have unfortunately come under the wheels of the train leading to his being consumed in the fatal accident. As long as such possibility exists, the claim cannot be ousted or denied on technical assumptions. There is not a divine camera which could replay the actual manner of the fatality, but all factors lead to the inexorable conclusion that a *bonafide* passenger died in an “untoward train accident”.

9. In addition to the aforesaid, the *panchnama* proceedings, conducted shortly thereafter, record the death as having occurred due to injuries sustained after falling from the train. The fact that there was no eye witness or that the family did not opt for a post-mortem cannot, in the facts of the present case, by itself lead to the conclusion that the deceased had not fallen from a train.

10. The Tribunal has also relied upon the statements of the Loco Pilot and Train Manager of Train No. 14816, who stated that they had not received



any information regarding a person falling from the train. This circumstance, however, does not establish that the deceased did not fall from the train. At best, it shows that no information regarding the incident was received by the concerned crew. The statement of the Loco Pilot of Train No. 12053, on the other hand, establishes that a dead body was found at the very location in question shortly thereafter. There is no other cogent material produced by the respondent to establish the alternative conclusion that the deceased had entered upon the railway track and was run over by an unknown train.

11. In view of the aforesaid discussion, this Court is of the opinion that the Tribunal adopted an unduly restrictive approach because it cannot be expected for a passenger in a railway journey, who is travelling alone, to keep evidence of when, where, how and in whose presence, he/she undertook the journey.

12. 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 25.08.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 10, 2026

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