



2026:DHC:7898



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

% Reserved on : 03.08.2026
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CNR No. DLHC010216742019

+ **FAO 199/2019**

ANITA & ORS.

.....Appellants

Through: Mr. Yogesh Swaroop, Mr. Kunal
Sharma and Ms. Shivangi
Singh, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Devvrat Yadav and
Mr. Kartik Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 21710/2019 (seeking condonation of delay of 97 days in filing the appeal)

1. By way of the present application, the applicant / appellant seeks condonation of delay of 97 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 97 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

FAO 199/2019

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



31.10.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) inOA(IIu) 29/2018, whereby the claim application filed by the appellant seeking compensation on account of the death of her husband came to be dismissed.

2. The brief facts necessary for the adjudication of the present appeal are that on 24.11.2012, one *Santosh Kumar* (hereinafter referred to as the “deceased”) purchased a valid 2nd class superfast railway journey ticket for undertaking his journey from *Kudal* to *Ahmedabad* and it is stated that when the train reached *Mumbai Central*, the deceased got down as there was no direct train from *Kudal* to *Ahmedabad* and thereafter boarded Train No.59439 for *Ahmedabad*. According to the appellants, there was heavy rush in the compartment and, when the train started moving, a sudden jerk resulted in the deceased falling from the moving train. He sustained fatal injuries and was taken to *Nair Hospital*, where he was declared dead.

3. Learned counsel for the appellants submits that the Tribunal misplaced itself by using a strict approach in examining the deceased’s status as a passenger. It is submitted that the valid *Kudal-Ahmedabad* journey ticket was admittedly recovered from the deceased and its genuineness was never disputed. It is further submitted that the Tribunal erred in treating the circumstance that the deceased was found at *Mumbai Central*, instead of *Dadar*, as sufficient to deny the claim and the contemporaneous material does not establish the precise manner in which the deceased came in contact with Train No.59439 and that, even on the Railway’s version, the deceased was attempting



to board the train, which by the settled law stands covered so as come within the definition of an “untoward incident”.

4. Learned counsel for the respondent opposes to the aforesaid submissions and contended that the deceased had no occasion to be at *Mumbai Central* in view of the route mentioned on the ticket and that the contemporaneous police record establishes that he was hit while crossing the railway line. He further stated that when Train No.59439 was being placed on Platform No.1 of *Mumbai Central Railway Station*, the deceased was attempting to board the empty rake and, in the process, was hit by the train and the DRM Report attributed the occurrence to the deceased’s alleged negligent act. The Tribunal also held that the deceased was not a *bona fide* passenger at the relevant time and place as the journey ticket held by him was from *Kudal* to *Ahmedabad* and the route mentioned therein was via *Dadar* and not *Mumbai Central*.

5. Coming first to the question whether the deceased was a *bona fide* passenger, the Supreme Court in “*Union of India v. Rina Devi*”¹, has held that the initial burden upon the claimant to establish the foundational facts is not onerous. The same principle has recently been reiterated in “*Lata v. Union of India*”². In the present case, the recovery of a valid journey ticket from the deceased discharges the initial burden.

A perusal of the record would show that a journey ticket from *Kudal* to *Ahmedabad*, bearing No.58115035 was recovered from the

¹(2019) 3 SCC 572

²2026 SCC OnLine SC 1350



deceased. The said ticket was issued from *Kudal* Railway Station for the journey to *Ahmedabad* and was valid for the route via *Roha*, *Dadar*, *Bassein Road* and *Vadodara*. The Tribunal did not find the ticket to be forged or otherwise invalid. The Tribunal proceeded on the basis that since the ticket mentioned the route via *Dadar*, the deceased ought to have changed trains at *Dadar* and, consequently, had no reason to be at *Mumbai Central*. The Tribunal further noted that Train No.59439 had a scheduled stoppage at *Dadar* and rejected the explanation that the deceased may have chosen to board it from *Mumbai Central*.

6. The fact that, instead of changing over at *Dadar* in accordance with the route mentioned on the ticket, he was found at *Mumbai Central* may raise a question as to the manner in which he continued his journey, however, it does not establish that he was a ticketless traveller or that he had abandoned the journey covered by the ticket. The place from which the deceased boarded the connecting train cannot, in the facts of the present case, be made to deny the claim.

7. The Tribunal itself has noted that a passenger travelling from *Kudal* to *Ahmedabad* could either change over at *Dadar* or proceed by road to *Mumbai Central* and board a train for *Ahmedabad*. Thus, *Dadar* was not the only point from where the onward journey could be undertaken. Train No.59439, in fact, had a scheduled stoppage at *Dadar* and was also available at *Mumbai Central*, where it was being placed on Platform No.1 at the relevant time. Therefore, the fact that the deceased was found at *Mumbai Central* instead of *Dadar* cannot, by itself, be treated as inconsistent with his



continuing the journey to *Ahmedabad*.

8. The next question 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 Railways Act, 1989 (hereinafter referred to as the “Act”).

9. The appellants have asserted that the deceased boarded Train No.59439 at *Mumbai* Central and fell therefrom after a sudden jerk when the train commenced its journey and the said version also finds mention in the affidavit of Smt. *Anita*/AW-1, wife of the deceased. The contemporaneous record, however, does not establish the occurrence in precisely the manner pleaded by the appellants. The inquest *panchnama* records that, while Train No.59439 was being placed on Platform No.1, the deceased was hit by the train while crossing the railway lines. The DRM Report, on the other hand, proceeds on the basis that the deceased was attempting to board the empty rake while it was being placed on the platform. The aforesaid distinction, however, does not by itself conclude the issue against the appellants.

Even if the version contained in the DRM Report is accepted to the extent that the deceased was attempting to board Train No.59439, the Supreme Court in *Rina Devi* (supra) has expressly held that death or injury in the course of boarding or de-boarding a train constitutes an “untoward incident” and would not fall within the proviso to Section 124-A merely on the plea of negligence of the victim as a contributing factor. The Court has further held that the concept of “self-inflicted injury” requires an intention to inflict such injury and not mere



negligence.

10. Thus, even on the respondent's own version, the mere circumstance that the deceased was attempting to board the train cannot, by itself, take the occurrence outside the statutory scheme. The respondent was required to establish circumstances which would bring the case within one of the exclusions contained in Section 124-A, and it is pertinent to note there is no material on record to establish that the deceased intended to cause himself injury. Nor has the respondent established any other circumstance which would attract the exclusions contained in Section 124-A.

11. In view of the aforesaid circumstances, and keeping in mind the beneficial nature of the legislation, the claim cannot be rejected on the basis of variances as to the manner in which the incident occurred.

12. 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 05.10.2026.

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

SEPTEMBER 15, 2026/na