



2026:DHC:7762



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

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CNR No. DLHC010175702025

+ **FAO 79/2025**

SH. RINKU SINGH & ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIARespondent
Through: Mr. Ruchir Mishra, Mr. Sanjiv
Kumar Saxena, Mr. Mukesh
Kumar Tiwari, Ms. Reba Jena
Mishra and Ms. Poonam
Shukla, 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 18.12.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in OA/II/DLI/240/2024.

2. Briefly stated, the case of the appellants before the Tribunal was that one Sh. *Vikram Singh Chauhan* (hereinafter referred to as



the “deceased”) on 29.07.2023, boarded Train No.14825, (*Hisar-Jaipur Express*), for returning to *Harsoli*. It was averred that he was travelling in the unreserved compartment and, owing to the rush of passengers, was standing near the gate. After the train proceeded from *Ajarka* Railway Station, at about KM 28/14-15, he lost his balance amidst the movement of passengers boarding and deboarding and fell from the moving train, sustaining fatal injuries. The body was initially unidentified and was thereafter identified by the family by his clothes and footwear.

3. Learned counsel for the appellants submitted that the Tribunal misdirected itself in rejecting the status of the deceased as a *bona fide* passenger merely on account of non-recovery of the journey ticket and the fact that the appellant, who was examined as AW-1, was not an eyewitness to the purchase of the ticket or the boarding of the train. It is further submitted that the deceased was found on the railway track at a place falling on the route between *Rewari* and *Harsoli*, which was the route he was admittedly accustomed to travel for his work. It is also pointed out that the respondent did not examine any witness in support of its case and relied upon the DRM report alone.

4. On the contrary, learned counsel for the respondent, refutes the aforesaid submissions and submitted that there was no journey ticket recovered from the deceased. It is thus submitted that the appellants failed to discharge the initial burden of establishing that the deceased was a *bona fide* passenger.

5. Insofar as the question of the deceased being a *bona fide* passenger is concerned, the Tribunal proceeded on the basis that Sh.



Rinku Singh, son of the deceased (AW-1), was not an eyewitness and had neither seen the deceased purchase the ticket nor board the train. The said approach, however, does not accord with the law laid down by the Supreme Court in “*Union of India v. Rina Devi*”¹. The Supreme Court has clarified that mere absence of a ticket from the deceased does not, by itself, negative his status as a *bona fide* passenger. The initial burden is upon the claimant and can be discharged by placing the relevant facts and circumstances on record, whereafter the burden shifts upon the Railways. This principle has been recently reiterated by the Supreme Court in “*Lata v. Union of India*”².

6. In the present case, though it is true that AW-1 was not an eyewitness to the purchase of the ticket or the boarding of the train but that circumstance, however, by itself, cannot lead to the conclusion that the deceased was not a *bona fide* passenger. The deceased was no longer available to depose about his journey. The appellants, through the affidavit of AW-1, specifically pleaded that the deceased had boarded Train No. 14825 for returning to *Harsoli* after purchasing a valid second-class general ticket and that he fell from the train during the course of the journey. Thus, the assertion regarding the deceased’s journey was placed on record on oath and was not merely a bald averment in the claim application. The appellants, therefore, discharged the initial burden of establishing the deceased’s *bona fide* passenger status in terms of the principle laid down in *Rina Devi* (supra).

¹(2019) 3 SCC 572

²² 2026 SCC OnLine SC 1350



7. Once the initial burden stood discharged, the onus shifted upon the Railways to establish, from the facts or attending circumstances, that the deceased was not a *bona fide* passenger. In the present case, apart from the non-recovery of the journey ticket, no cogent material has been brought on record by the respondent to rebut the said assertion. The respondent relied upon the DRM report but did not examine any witness in support thereof.

8. The next question is whether the death of the deceased resulted from an untoward incident within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

9. In rejecting the claim on this aspect, the Tribunal principally relied upon the condition of the dead body and the post-mortem findings. The difficulty with the conclusion is that there is no direct evidence establishing the sequence of events inferred by the Tribunal. There is no “divine camera” which can capture the exact sequence of a railway accident, particularly when the deceased himself has not survived to narrate the occurrence. This Court in “Prempal Singh & Anr. v. Union of India”³, while dealing with a similarly mutilated body, rejected the inference that the nature of the injuries necessarily established that the deceased was crossing the railway track, observing that the possibility of a passenger falling from a moving train and thereafter coming under its wheels could not be ruled out.

10. The same principle assumes significance in the present case, where the appellants’ specific case is that the deceased was travelling in a crowded compartment and was “standing near the gate”.

³ 2018 SCC OnLine Del 9571



In “Jameela v. Union of India”⁴, the Supreme Court has recognised that a passenger travelling near the door of a running train may accidentally fall therefrom and that such an occurrence would constitute an “untoward incident”. The relevant extract is reproduced as hereunder:

“The manner in which the accident is sought to be reconstructed by the Railway, the deceased was standing at the open door of the train compartment from where he fell down, is called by the railway itself as negligence. Now negligence of this kind which is not very uncommon on Indian trains is not the same thing as a criminal act mentioned in clause (c) to the proviso to Section 124 A. A criminal act envisaged under clause (c) must have an element of malicious intent or mens rea. Standing at the open doors of the compartment of a running train may be a negligent act, even a rash act but, without anything else, it is certainly not a criminal act. Thus, the case of the railway must fail even after assuming everything in its favour...”

11. In the present case, there is, in fact, no evidence establishing the alternative theory accepted by the Tribunal. The Gateman at LC Gate No.77, merely stated that he saw the mutilated body lying near KM 28/13-15 and informed the Station Master. The Station Master too recorded that no driver or guard of any train had reported any run-over. Thus, the conclusion that the deceased was first hit and thereafter run over is founded only on an inference drawn from the injuries, without any direct or cogent evidence in its support. In these circumstances, the possibility of the deceased having accidentally fallen from the running train and thereafter suffered the fatal injuries cannot be ruled out, and the finding of the Tribunal that the death did not result from an “untoward incident” is liable to be set aside.

12. Accordingly, the impugned judgment is set aside and the matter

⁴(2010) 12 SCC 443



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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 30.09.2026.

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 10, 2026

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