



2026:DHC:7714



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

% Reserved on : 31.08.2026
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CNR No. DLHC010029252020

+ **FAO 103/2021**

SUKHMANDAR SINGHAppellant
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIARespondent
Through: Mr. Gaurav Sharma (SPC),
Mr. Sachin Singh and
Ms. Manpreet Kaur, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 9433/2021 (Seeking condonation of delay of 786 days in filing the appeal)

1. By way of the present application, the applicants/appellants seek condonation of delay of 786 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appellants are poor and illiterate persons belonging to an economically weaker section and, due to paucity of funds, were unable to contact a counsel and obtain timely legal advice.



3. It is noteworthy that in “*Mohsina vs. Union of India*”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the appellant/claimant’s weak economic condition. Similarly, in “*Brijesh Kumar and Ors. vs. Union of India*”², this Court allowed the application and condoned a delay of 1326 days, considering the appellants’ financial hardship and the surrounding circumstances.

4. The Railways Act, 1989, and the Railways Claims Tribunal Act, 1987, arise from a beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required when considering applications for condonation of delay, so that genuine claims are not defeated on technical grounds.

5. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

6. In view of the aforesaid, the application is allowed and the delay of 786 days in filing the appeal is condoned.

7. The application is disposed of accordingly.

FAO 103/2021

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

¹(2017) SCC OnLine Del 10003

²(2026) FAO 49/2022 (04.04.2026)



02.04.2018 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”), in Claim Application No. OA (IIu) No. 192/2017 titled as “Sukhmander Singh v. Union of India”.

2. The facts in a nutshell are that on 13.07.2016, the appellant, Sh. *Sukhmander Singh*, who had come to *Delhi* in search of employment, was travelling from Old *Delhi* Railway Station to *Ghaziabad*. He was accompanied to the station by his uncle, Sh. *Singara Singh*, who had purchased a journey ticket for him. The appellant thereafter boarded an EMU train for *Ghaziabad*. Owing to the heavy rush in the compartment, he was standing near the doorway when the train suddenly started moving and gave a violent jerk, due to which he fell from the moving train. He sustained grievous injuries, including amputation of both legs below the knees, along with head injuries and broken teeth. He was thereafter removed to *Lok Nayak* Hospital, Delhi, for treatment.

3. *Vide* the impugned judgment, the Tribunal held that the appellant 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 appellant, while assailing the impugned judgement, contends that the appellant travelled from Old *Delhi* Railway Station to *Ghaziabad* and that his uncle purchased a valid journey ticket for him. Learned counsel further contends that the non-recovery of the ticket, by itself, cannot lead to the conclusion that the appellant is ticketless, particularly when he explains that the ticket was



kept in his bag along with his other belongings, which were lost in the accident. Reliance, in this regard, is placed on “Union of India v. Rina Devi”³. In addition to the aforesaid, learned counsel also submits that the Tribunal’s finding that he was “run over” while trespassing is based on conjecture, as no eyewitness was examined to establish that he was crossing the railway tracks.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and contends that no railway ticket was recovered from the appellant and that there are material discrepancies between the statements of the appellant and his uncle regarding their arrival at Old Delhi Railway Station. It is further submitted that the appellant could not identify the train or explain the loss of his bag, allegedly containing the ticket. Learned counsel relies on the contemporaneous record, including the DRM Report and the RPF statement, to contend that the appellant was found near a shunting side with both legs on the railway track and was “run over” by a train travelling towards Ghaziabad, rather than having accidentally fallen from a passenger train.

6. Insofar as the status of the appellant being a *bona fide* passenger is concerned, it is not disputed that no journey ticket was recovered from him. However, mere non-recovery of a ticket is not, by itself, sufficient to hold that a claimant was not a *bona fide* passenger. The Supreme Court in Rina Devi (supra) held that the initial burden upon the claimant can be discharged by filing an affidavit setting out the relevant facts, whereafter the onus shifts upon the Railway

³ (2019) 3 SCC 572



Administration to rebut the claim by leading cogent evidence. This principle has also been reiterated by the Supreme Court in “Lata v. Union of India”⁴.

Applying the aforesaid principle to the facts of the present case, Sh. *Sukhmandar Singh*/AW-1 has categorically stated in his testimony that he was travelling on the strength of a valid journey ticket. During his cross-examination, he remained consistent about the material particulars and deposed that his uncle had accompanied him to the railway station and purchased the ticket for him. The appellant’s statement before the railway authorities also reflected the same version. The said version is further corroborated by the statement of his uncle, Sh. *Singhara Singh*, who stated that he had accompanied the appellant to the railway station and had purchased the ticket for him and thereafter made him board the train.

7. The Tribunal had also relied heavily on the inconsistency between the appellant’s and his uncle’s statements about the time they arrived at Old *Delhi* Railway Station. However, this discrepancy alone is insufficient to undermine the appellant’s case. The appellant claimed he boarded the train around 1:00 p.m., while his uncle said they reached Old *Delhi* Railway Station around 2:00-2:30 p.m. The discrepancy, thus, relates only to the precise time of arrival at the railway station and does not displace the consistent evidence regarding the purchase of the ticket and the intended journey to *Ghaziabad*.

8. In this regard, a gainful reference may also be made to the decision of the Coordinate Bench of this Court in “Dharamawati v.

⁴2026 SCC OnLine SC 1350



Union of India”⁵, wherein it was reiterated that the contemporaneous railway record and the surrounding circumstances must be appreciated in their entirety when determining whether the claimant was travelling as a *bona fide* passenger, and that isolated circumstances ought not be singled out to discard an otherwise consistent case.

9. The next question is whether the appellant sustained the injuries on account of an “untoward incident” within the meaning of the Act.

10. The Tribunal rejected the appellant’s account of an accidental fall primarily on the ground that he was found at shunting siding No. 161, and that the position of his body, with both legs lying inside the railway track and the remaining portion outside it, indicated that he had been “run over” by a train while crossing the railway tracks.

11. The conclusion that the appellant was a trespasser who had been “run over” by a train is not supported by any ocular evidence. Equally, there is no material on record, apart from the inference drawn in the DRM Report, that conclusively establishes that the appellant had been “run over” while trespassing. Moreover, the mere fact that the appellant stated that he was “run over” does not, by itself, exclude the possibility that he first fell from a moving train and thereafter came under its wheels.

12. Merely because the body was found “near the shunting line” cannot lead to the conclusion that the deceased was not a railway passenger or that he was attempting to cross the railway track. It also cannot be overlooked that the place where the body was found was not

⁵ 2026 SCC OnLine Del 1164



at such a distance from the railway station as to completely rule out the possibility of the deceased accidentally falling from a passenger train. In this regard, it is also apposite to note that Section 2(31) of the Act defines the expression “railway” in an inclusive manner so as to encompass, inter alia, “all lines of rails, sidings, or yards, or branches used for the purposes of, or in connection with, a railway”. The respondent has failed to produce any material showing the exact movement of the relevant train.

A similar view has consistently been taken by this Court in similar factual situations. In “Guruvachan Singh v. Union of India”⁶, this Court reiterated that merely because the body was found at some distance from the railway track would not, by itself, justify the conclusion that the deceased was not travelling by the train in question or that the incident did constitute an “untoward incident”.

Further, the mere location where the appellant was found and the position of his body, without more, cannot conclusively determine the precise manner in which the accident occurred.

14. In view of the foregoing discussion and considering the peculiar facts and circumstances of the present case, the appellant is held to have been a *bona fide* passenger, and the occurrence is held to fall within the ambit of an “untoward incident” within the meaning of the Act.

15. In view of the above, the appeal is allowed, and the impugned judgment is set aside. The matter is remanded back to the learned Tribunal to assess the amount of compensation payable to the

⁶2026 SCC OnLine Del 2351



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appellant in accordance with law and to pass appropriate consequential directions. The matter be listed before the Tribunal on 30.09.2026.

16. The appeal is allowed in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER09, 2026

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