



2026:DHC:7523



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

% Reserved on : 25.08.2026
Pronounced on : 03.09.2026
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CNR No. DLHC012018202014

+ **FAO 322/2014**

SUNAINA DEVI

.....Appellant

Through: Mr. N.K. Gupta, Advocate

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Mr. Satya Ranjan Swain, CGSC
for UOI with Mr. Kautilya
Birat, GP

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 21.01.2014 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/463/2011.

2. Briefly stated, the case of the appellant before the Tribunal was that on 17.04.2011, her husband, Sh.*Shambhu Manjhi* (hereinafter referred to as the “deceased”), was travelling from *Patna* Junction to New *Delhi* by Train No.4055 (*Brahmaputra* Mail), on the strength of a



second-class superfast ticket. It was stated that there was heavy rush in the general compartment and the deceased was standing near the gate. According to the appellant, while the train was running near *Sachiwalaya* Halt, there was a sudden jerk and, due to the rush and jostling of passengers, the deceased fell from the running train and sustained injuries. He was thereafter taken to PMCH, *Patna*, where he succumbed to his injuries.

3. Learned counsel for the appellant submitted that the deceased was a *bona fide* passenger and the journey ticket was found on the person of the deceased and the same was also referred to in the police papers. It was further submitted that the statement of *Rajendra Manjhi*, the inquest report, FIR and other documents supported the appellant's case that the deceased had suffered injuries in connection with a fall from the train. Learned counsel contended that the mere fact that the appellant was not an eyewitness to the occurrence could not be held against her and that the material on record ought to have been considered keeping in view the beneficial nature of the legislation. Reliance was placed on the decision of the Supreme Court in “*Union of India v. Rina Devi*”¹.

4. *Percontra*, learned counsel for the respondents submitted that the appellant had failed to establish that the deceased was travelling by Train No.4055 on the relevant date. It was pointed out that the ticket relied upon by the appellant was purchased at 17:47 hrs. on 17.04.2011, whereas Train No.4055 had already left *Patna* Junction at 13:18 hrs. on the same day, as per the TSR record. It was further

¹(2019) 3 SCC 572



submitted that the appellant, despite not accompanying the deceased, had given specific details of his alleged journey in her affidavit, without disclosing the source of such details and also referred to the statement of *Rajendra Manjhi*, the deceased's cousin brother, recorded before the police officers of *Pirbahore P.S., Patna* on 18.04.2011, and submitted that the said statement did not establish that the deceased had boarded Train No.4055 or the manner in which he allegedly fell from the train. It was also pointed out that while the appellant stated that the deceased died at PMCH on 17.04.2011, *Rajendra's* statement records his death on 18.04.2011, and no PMCH admission or death certificate was produced.

5. It is trite law that mere non-recovery of a railway ticket from an injured or deceased passenger cannot, by itself, be determinative of his status as a *bona fide* passenger. At the same time, the initial burden of establishing the foundational facts of the journey lies upon the claimant. In the present case, the appellant relies principally upon the journey ticket said to have been recovered from the deceased. The difficulty, however, is not one of mere non-recovery of a ticket. The ticket relied upon by the appellant itself records the time of purchase as 17:47 hrs. on 17.04.2011. On the other hand, the report of the Station Manager, *Patna Junction* dated 21.08.2012 records, on the basis of the TSR record, that Train No.4055 had left *Patna Junction* at 13:18 hrs. on the same day. Thus, the ticket relied upon by the appellant was purchased more than four hours after the train in which the deceased is alleged to have travelled had already departed from *Patna Junction*. This circumstance goes to the root of the appellant's



case and there is consequently no satisfactory basis on record to conclude that the deceased had boarded the said train on the strength of the ticket relied upon by the appellant.

6. There is also an inconsistency regarding the circumstances immediately following the alleged fall. The appellant stated that the deceased was taken to PMCH on 17.04.2011 and succumbed to his injuries during treatment on the same day, whereas, the statement of the deceased's cousin brother, *Rajendra Manjhi*, recorded before the police officers of *Pirbahore P.S., Patna* however, records his death at PMCH on 18.04.2011. The Tribunal further noticed that no admission or death certificate from PMCH had been produced to establish the alleged treatment there from 17.04.2011 to 18.04.2011.

7. Here, the issue is not simply whether the deceased was found carrying a ticket; the issue is whether he was a *bona fide* passenger of the train in question, as specifically pleaded. On the material available, the appellant has failed to discharge the initial burden in this regard. A similar approach was adopted by this Court in “*Mohammad Azam v. Union of India*”², where the Court distinguished between mere non-recovery of a ticket and a case where the ticket relied upon was demonstrably issued after the occurrence.

8. Once the aforesaid foundational requirement remains unestablished, the claim for compensation under Section 124-A of the Railways Act, 1989 cannot be sustained. The question whether the alleged fall would otherwise fall within the expression “untoward incident” does not alter this conclusion, as the statutory claim itself is

²2026 SCC OnLine Del 6413



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dependent upon the person being a *bona fide* passenger.

9. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

10. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 03, 2026

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