



2026:DHC:2751



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

% Reserved on : 13.02.2026  
Pronounced on : 01.04.2026  
Uploaded on : 01.04.2026

+ **FAO 156/2023**

SUMAN DEVI & ORS. ....Appellants  
Through: Mr. Rajan Sood, Ms. Ashima Sood  
and Ms. Megha Sood, Advocates

versus

UNION OF INDIA ....Respondent  
Through: Mr. Vikrant N. Goyal, Mr. Yash  
Basoya, Nr. Rakshit Tyagi and  
Mr.Kunal Dixit, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

1. The present appeal has been preferred under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the judgment dated 31.10.2022 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal"), in Case No. OA/II(u)/DLI/198/2019, titled as *Smt. Suman Devi & Ors. v. Union of India*.

2. *Vide* the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor the alleged accident an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").



3. Briefly stated, the facts of the case, as set out in the claim application, are that on 23.07.2018, one *Bijender Singh* (hereinafter referred to as the “deceased”) had boarded a passenger train from *Maripat* Railway Station for travelling to *Ghaziabad* on the strength of a valid journey ticket. It was their case that, due to heavy rush in the train, he accidentally fell between *Maripat* and *Ghaziabad* Railway Stations and died on the spot.

4. Learned counsel for the appellants assailed the impugned judgment, contending that the Tribunal erred in rejecting the claim application by holding that the deceased was not a *bona fide* passenger and that the death was not the result of an “untoward incident”. It was submitted that the appellants deposed that the deceased had purchased a valid journey ticket, which was lost at the time of the incident. Reliance was placed upon the decision in *Union of India v. Rina Devi*<sup>1</sup> to contend that mere non-recovery of a ticket cannot be determinative of being a *bona fide* passenger.

5. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal rightly rejected the claim in view of the inconsistencies in the case set up by the appellants. It was submitted that no journey ticket was recovered during *jamatalashi* and the explanation regarding its loss is unconvincing. It was further contended that there is no evidence to show that the deceased had boarded any train and the circumstances on record render the version of accidental fall wholly improbable. It was also submitted that there exists a considerable time gap between the alleged incident and the receipt of information, which further weakens the case of the appellants.

---

<sup>1</sup> (2019) 3 SCC 572



6. This Court has heard the arguments addressed on behalf of both parties and has perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are that, whether the deceased was a *bona fide* passenger and whether the death was sustained in an “untoward incident” as defined under the Act.

8. Concededly, no journey ticket was recovered during *jamatalashi* and nothing was recovered from the body of the deceased. The explanation offered by the appellants was that the ticket was kept in a bag which was subsequently lost, however, no evidence was led to substantiate the purchase of such ticket. The only evidence in support of the travel is the affidavit of *Jeetu Sagar*, AW-1, the son of the deceased, who admitted that he had neither witnessed the purchase of the ticket nor the boarding of the train by the deceased, thus, his testimony rests upon inference rather than direct knowledge. Moreover, the appellants have failed to disclose or identify the train allegedly boarded by the deceased, thereby rendering the entire version of travel unsubstantiated.

9. Further, the deposition of AW-1 also indicates that the village of the deceased is situated between *Maripat* and *Ghaziabad*, and in close proximity to *Ghaziabad*. In this backdrop, no plausible explanation has been offered as to why the deceased would travel in the opposite direction to *Maripat*, which is approximately 4-5 kilometres away, to board the train. The alleged timing of travel also remains unsubstantiated, as no material particulars regarding the journey have been placed on record. In such circumstances, the appellants have failed to discharge the initial burden of establishing that the deceased was a *bona fide* passenger.



10. Coming to the issue as to whether the incident can be described as an “untoward incident”, it is noted that there is no eyewitness to the alleged fall of the deceased from a train and the material on record only indicates that the body was found near the railway track. The statement of the RPF official, as reflected in the DRM report, is limited to the fact that, while on patrolling duty near Km. 1426/5A, he saw a body lying at the location and accordingly informed the police. Significantly, the said statement is entirely silent on any alleged fall of the deceased from a train. Further, the DRM report also records that the last passenger trains departing from *Maripat* Station were at about 19:49 hours and 21:36 hours, and no passenger train is shown to have operated thereafter till the recovery of the body at about 01:45 hours.

11. It is also pertinent to note that, as per the statements of the mother and brother of the deceased recorded during the inquiry, they had been informed by the police that the deceased had been run over by a train. In such circumstances, on a cumulative assessment of the above noted circumstances, this Court finds no infirmity in the impugned order.

12. In light of the reasoning given in the impugned order and the submissions put forth, this Court finds no merit in the present appeal and sees no ground to interfere with the impugned order. Accordingly, the present appeal is dismissed.

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**APRIL 1, 2026/dh**