



2026:DHC:8646



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

% Reserved on : 25.08.2026
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CNR No. DLHC012335722014

+ **FAO 378/2014**

MADHU DEVIAppellant

Through: Mr. N.K. Gupta, Advocate

versus

UNION OF INDIARespondent

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

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 19520/2014 (seeking condonation of delay of 257 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 257 days in filing the appeal.
2. Learned counsel for the appellant submitted that the appellant is a poor and illiterate person, and belongs to an economically weaker section and, due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice.
3. At this stage, it is pertinent to note that in "Mohsina vs. Union of



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India”¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, in “*Reshma vs. Union of India*”², this Court condoned a delay of 598 days in filing the appeal, keeping in view the beneficial nature of the legislation and the liberal approach required in such matters.

4. Considering the peculiar facts and circumstances of the present case 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.

5. In view of the aforesaid, the application is allowed and the delay of 257 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 378/2014

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 13.12.2013 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/242/2012, whereby the claim application filed by the appellant seeking compensation on account of death of her husband, *Ram Pravesh Singh* (hereinafter referred to as the “deceased”), came to be dismissed.

2. The facts in a nutshell are that on 26.11.2011, the deceased was travelling from *Bakhtiyarpur* Junction to *Anand Vihar* by Train

¹(2017) SCC OnLine Del 10003

² (2026) SCC OnLine Del 2704



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No.12505, (North East Express). It was the appellant's case that the deceased had purchased a valid second-class ticket for the journey. The train was crowded and the deceased was standing near the gate. Shortly after the train left *Bakhtiyarpur* Junction, he fell from the moving train on account of the jostling and a sudden jerk and sustained injuries and was thereafter taken to the Railway Health Unit at *Bakhtiyarpur*, where he subsequently succumbed to his injuries.

3. The Tribunal principally relied upon the discrepancies noticed in the timings reflected in the Station Master's memo, the registration of the U.D. case, the inquest proceedings, the report of the Senior DMO regarding the time of death and the post-mortem record. On this basis, it concluded that the deceased had neither been proved to be a *bona fide* passenger nor to have died in an "untoward incident" as defined within the Railways Act, 1989 (hereinafter referred to as the "Act").

4. Learned counsel for the appellant, while assailing the impugned judgment, submitted that the Tribunal had proceeded principally on the non-recovery of the journey ticket and on discrepancies in the timings of the subsequent documents, while overlooking the earliest railway record of the occurrence. It was submitted that the Station Master's memo specifically records information of a passenger having fallen from Train No.12505. Learned counsel further contended that non-recovery of the ticket could not be treated as determinative of the deceased's status as a *bona fide* passenger. Reliance was placed



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on “Union of India v. Rina Devi”³ and “Lata v. Union of India”⁴.

5. *Per contra*, learned counsel for the respondent disputed the deceased having travelled by Train No.12505. It was contended that the journey ticket had neither been produced nor recovered and that the appellant had failed to establish the alleged journey and accident. The respondent also disputed the appellant’s version that the deceased had fallen from the moving train after jostling in the crowded compartment and contended that the claim was based on a false and fabricated version.

6. Having heard arguments addressed by both the parties and going through the material placed on record, the first question which arises for consideration is whether the deceased was a *bona fide* passenger.

7. It is well settled that mere non-recovery of a journey ticket cannot, by itself, be treated as conclusive against the claimant. In Rina Devi (supra), the Supreme Court held that mere absence of a ticket on the person of the deceased does not, by itself, negate the claim of *bona fide* travel. The initial burden on the claimant can be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by cogent evidence. The said principle has recently been reiterated in Lata (supra) and “Sukhabhai Nanjibhai Makwana & Anr. v. Union of India”⁵. The non-recovery of the ticket, therefore, has to be considered along with the other material on record and cannot, in

³(2019) 3 SCC 572

⁴2026 SCC OnLine SC 1350

⁵2026 INSC 1056



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isolation, be made the basis for rejecting the claim.

In the present case, the appellant has specifically pleaded that the deceased had purchased a valid second-class ticket for travelling from *Bakhtiyarpur* Junction to *Anand Vihar* and that the ticket was lost in the incident. The said assertion has not been displaced by any cogent evidence led by the respondent. The fact that the ticket was also not subsequently recovered, therefore, cannot outweigh the other circumstances relied upon by the appellant showing that the deceased had undertaken the journey by train.

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 Act.

9. In this regard, the Station Master’s memo dated 26.11.2011 assumes significance as it is the earliest contemporaneous railway record of the occurrence. The memo records the information received by the Station Master that a passenger had “fallen from Train No.12505”. Thus, the basic factum of a passenger having fallen from the very train in question finds contemporaneous mention in the railway record itself.

10. The Tribunal, however, proceeded to discard the claim by placing considerable emphasis on the variation in timings appearing in the subsequent documents. The memo was issued at about 19:00 hours, the U.D. case was subsequently registered and the inquest record reflected a different timing. These discrepancies undoubtedly call for consideration, however, the question is whether such variations are sufficient to discard the occurrence itself, particularly when the



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earliest railway record already records that a passenger had “fallen from Train No.12505”.

11. In “*Smt. Mamta v. Union of India*” also, this Court was concerned with a claim where the contemporaneous railway/GRP record recorded information of a passenger having fallen from the concerned train, whereas subsequent material was relied upon to suggest a different manner of occurrence. This Court held that the contemporaneous version could not be displaced merely on the basis of an inference drawn from subsequent material, particularly when there was no direct evidence establishing the contrary manner of occurrence.

12. The principle is equally applicable here. The subsequent documents may contain some variation in the timings at which the different steps were recorded or undertaken, however, such variation, in the facts of the present case, is peripheral and cannot by itself displace the basic fact recorded in the earliest railway record.

13. The Tribunal, therefore, was not justified in treating the variations in the timings as sufficient to conclude that the railway and police records themselves were fabricated or that the occurrence of the fall from the train stood disproved. The evidence is accordingly required to be considered on the touchstone of preponderance of probabilities and minor discrepancies in the timings of the subsequent documents do not, in the facts of the present case, render the occurrence of the fall from the train improbable.

14. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to



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assess the amount of compensation payable to the appellant 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 13.11.2026.

15. The appeal is allowed and disposed of in the above terms.

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 01, 2026

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