



2026:DHC:8645



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

% Reserved on : 19.08.2026
Pronounced on : 01.10.2026
Uploaded on : 01.10.2026

CNR No. DLHC010150622022

+ **FAO 97/2022**

TARA DEVI & ORSAppellants
Through: Mr. Anshuman Bal, Advocate

versus

UNION OF INDIARespondent
Through: Mr. Vikrant N. Goyal, Mr.
Inderpreet Singh and Mr. Kunal
Dixit, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 18897/2022 (delay of 120 days in filing the appeal)

1. By way of the present application, the applicant/appellant seeks condonation of delay of 120 days in filing the appeal.
2. Learned counsel for the appellants submitted that the appeal could not be filed within the stipulated time as the Registry of this Court was closed for physical filing and thereafter, the appeal was filed in digital form.
3. At this stage, it is relevant to note that the Supreme Court in, In Re: Cognizance for extension of limitation in Suo Moto Writ Petition



2026:DHC:8645



(Civil) No.3 of 2020 (Order dated 10.01.2022), bearing in mind the difficulties faced by the litigants, directed that the period between 15.03.2020 and 28.02.2022 shall stand excluded for the purpose of computing limitation.

4. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision, as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has 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 120 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

FAO 97/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 06.10.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/GZB/323/2018.

2. The case set up by the appellants before the Tribunal was that on 24.04.2018, one *Edal @ Edal Kumar* (hereinafter referred to as the “deceased”) was travelling from *Gangrol* to *Dadri* along with his wife *Tara Devi*, his brother *Mukesh* and his son *Amit*. It was stated that the deceased was travelling in a passenger train and was standing near the gate and when the train reached Platform No.3 at *Dankaur* Railway Station, owing to heavy rush and a sudden jerk, the deceased fell from the train and came under Train No.15707 (*Amrapali Express*),



2026:DHC:8645



resulting in his death.

3. The Tribunal framed issues with regard to the deceased being a *bona fide* passenger and the occurrence constituting an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the “Act”). The Tribunal held that the deceased had been run over by Train No.15707 and that the circumstances did not establish an accidental fall from the passenger train and the claim was consequently dismissed.

4. Learned counsel for the appellants submitted that the deceased’s wife, who was accompanying him, had specifically deposed about the manner in which the occurrence took place. It was submitted that a sudden jerk coupled with heavy rush caused the deceased to fall from the train. Learned counsel submitted that the deceased thereafter came under Train No.15707 and suffered fatal injuries. It was further submitted that the affidavit of the appellant clearly mentions the journey ticket numbers of the family members and, therefore, the deceased could not be treated as a person who had been found on the railway line without any connection with the passenger train. On these grounds, it was contended that the occurrence was an accidental fall from a passenger train and was consequently covered under Section 123(c)(2) of the Act.

5. Learned counsel for the respondent, on the other hand, submitted that the version of the appellants regarding the deceased falling from the passenger train was not borne out from the contemporaneous railway record. It was submitted that the passenger train had already halted at the *Dankaur* Railway Station, whereas the



2026:DHC:8645



deceased was averred to have been run over by Train No.15707 while it was passing on the UP main line. Learned counsel further drew attention to the Station Master's memo, *Panchnama* and DRM Report to submit that these records establish the "run-over" by Train No.15707 but they do not establish that the deceased had first fallen from the passenger train. It was accordingly submitted that the essential fact necessary to bring the occurrence within Section 123(c)(2) of the Act had not been established.

6. Having heard the arguments addressed by the parties, the question of the deceased being a *bona fide* passenger is to be considered first. The appellant, wife of the deceased, in her affidavit, categorically stated that she was travelling with the deceased, *Mukesh* and *Amit* from *Gangrol* to *Dadri* and referred to journey ticket bearing Nos. 83733, 83790, 83791 and 83792. Pertinently, the tickets themselves, however, have not been produced on record and the assertion regarding the purchase of tickets, therefore, rests only upon the statement of the appellant.

7. Although, the mere non-production of the tickets, by itself, cannot be treated as conclusive against the claim, the appellants were still required to establish, from the evidence available on record, that the deceased was travelling as a *bona fide* passenger in the particular passenger train from which he is alleged to have fallen. The reference to ticket numbers in the affidavit, without the tickets being produced or any other independent material being placed on record to establish the deceased's journey in the said train, does not by itself conclusively establish this fact.



2026:DHC:8645



8. Be that as it may, even assuming that the deceased was a *bona fide* passenger, the appeal does not succeed as the more substantial question is whether the occurrence pleaded by the appellants falls within the ambit of an “untoward incident.”

9. The appellants’ case regarding the occurrence rests principally on the statement of the deceased’s wife. According to her, the deceased was standing near the gate of the passenger train and fell down on account of heavy rush and a sudden jerk when the train reached Platform No.3 at *Dankaur* Railway Station. The contemporaneous record, however, assumes significance in examining this version. The Station Master’s memo records the deceased having been run over by Train No.15707 (*Amrapali* Express) on the UP main line and similarly, the *Panchnama* also records the deceased having been run over by the said train. The DRM Report similarly proceeds on the basis of the deceased having come under Train No.15707. These documents establish the immediate cause and place of the fatal occurrence, but do not establish the preceding circumstance asserted by the appellants, namely, that the deceased had fallen from the passenger train, as averred by the appellants.

10. More importantly, the passenger train in which the deceased was alleged to have been travelling had already halted at Platform No.3 and this circumstance cannot be brushed aside as a minor discrepancy. The appellants’ whole case rests upon the fact that the deceased fell from this very train at the said platform because of a sudden jerk and heavy rush. Once it has come on record that the train had halted at Platform No.3, the burden remained upon the appellants



2026:DHC:8645



to establish how the deceased, while travelling in that train, came to be on the adjoining UP main line where he was subsequently stated to be run over by Train No.15707.

11. In this regard, the distinction between the two circumstances is material. The question is not whether a person who accidentally falls from a passenger train and is thereafter run over by another train can, in law, be a victim of an “untoward incident”. The question here is whether the appellants have established that this deceased first fell from the passenger train in the manner alleged by them. On the evidence available, pertinently, no material has been pointed out which satisfactorily establishes this intervening circumstance.

12. The Tribunal, therefore, cannot be said to have rejected the claim merely because the deceased was subsequently run over. Its finding rests on the circumstances emerging from the railway record, particularly the fact that the passenger train had halted at Platform No.3 and the deceased was thereafter found to have been run over by Train No.15707 on the UP main line. In the absence of satisfactory evidence establishing the alleged fall from the passenger train, the occurrence cannot be brought within Section 123(c)(2) of the Act. The Tribunal has considered the aforesaid circumstances and has returned a finding that the deceased was not a victim of an “untoward incident” and the said finding, thus, does not call for interference.

13. 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.



2026:DHC:8645



14. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 01, 2026

na