



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

% Reserved on : 19.03.2026
Pronounced on : 02.04.2026
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+ **FAO 477/2019**

MAHENDRA

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Shubash Tanwar, CGSC with
Mr.Naveen, Mr. Sandeep Mishra,
Mr.Harshit Deshwal, Ms. Priyanka
and Ms. Ritu, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 51677/2019 (Seeking condonation of delay of 175 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 175 days in filing the appeal.
2. Learned counsel for the appellant has submitted that after passing of the impugned judgment, the appellant could not file the present appeal in time on account of paucity of funds and the resultant inability to obtain timely legal advice. It is further submitted that the delay is neither intentional nor deliberate.



3. In this regard, reference may be made to the decision of this Court in *Mohsina vs. Union of India*¹, wherein a delay of 804 days in filing of the appeal was condoned taking into account the socio-economic condition of the claimants, and the beneficial object of the legislation.
4. Having considered the submissions made and the view of the decision in *Mohsina* (supra), and keeping in view the beneficial nature of the legislation, this Court is satisfied that the appellant has shown sufficient cause for the delay in filing the present appeal.
5. Accordingly, the application is allowed and the delay of 175 days in filing the appeal is condoned.
6. The application is disposed of in the above terms.

FAO 477/2019

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 06.03.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/145/2018, whereby the claim application filed by the appellant seeking statutory compensation on account of injuries sustained was dismissed.
2. The case of the appellant before the Tribunal was, that on 01.04.2018, he was travelling from *Palam* to *Rewari* by Train No. 54417 (*Rewari* Passenger Train) on the strength of a valid journey ticket. It was stated that upon reaching *Jataula Jodi Sampla*, the appellant deboarded the train to drink water, and thereafter, while attempting to re-board the train, he accidentally fell down and sustained grievous injuries. He, thereafter, was taken to *Pataudi* Hospital where his MLC was prepared,

¹ (2017) SCC OnLine Del 10003



and was subsequently referred to Civil Hospital, *Gurgaon*.

3. Learned counsel for the appellant assails the impugned judgment contending that the findings returned by the Tribunal are contrary to the material on record. It is submitted that the recovery of a valid journey ticket which was duly verified, clearly establishes his status as a *bona fide* passenger. It is further submitted that the Tribunal has failed to appreciate the contemporaneous record, including the MLC, which records the case as a “railway track accident”, further lends assurance to the version of the appellant.

4. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the appellant has failed to establish that he was a *bona fide* passenger at the time of the incident. It is contended that the journey ticket was not produced at the first instance and was allegedly handed over after a delay of two days, which creates doubt regarding its genuineness. Reliance is placed on the DRM report to contend that the incident occurred due to the negligence of the appellant while attempting to board the running train.

5. This Court has heard the learned counsels for the parties and perused the material on record.

6. In the backdrop of the above, the two questions that arise for consideration are that whether the injuries sustained by the appellant fall within the ambit of an “untoward incident” and whether the appellant was a *bona fide* passenger at the relevant time.

7. Insofar as the question of an “untoward incident” is concerned, the Tribunal has disbelieved the case of the appellant primarily on the ground that there is no direct eye witness to the alleged fall and that the appellant



was found on the “off side” of the platform. A perusal of the record, however, shows that the earliest version of the incident emanates from the entry recorded by the Station Master, as per which, he upon hearing cries from the track side, deputed *Bijender*, a pointsman to verify the situation, and was thereafter informed that an injured person was lying near the railway line. He was not an eye witness to the said incident and merely recorded what was conveyed to him, and consequently, the evidentiary value of such an entry cannot be treated as a direct account of the occurrence. Even otherwise, this account of events does not specify as to on which side of the platform, the body deceased was found lying. Furthermore, the said pointsman, who was the first person to reach the spot, has not been examined, and the non-examination of such a material witness assumes significance, as he alone could have deposed with respect to the manner in which the appellant was found and the surrounding circumstances of the occurrence. The absence of his testimony, therefore, leaves a material gap in the case set up by the respondent.

8. Further, the MLC prepared immediately upon the appellant being taken to the hospital, records the case as that of a “alleged railway accident”, and such record being contemporaneous in nature, carries evidentiary value and lends assurance to the appellant’s version.

9. It is also not the case of the respondent that the injuries were self-inflicted or that the case falls within any of the exceptions carved out under the proviso to Section 124-A of the Act. The said factual position, therefore, brings the case within the ambit of an “untoward incident” as defined under the Act.

10. Secondly, as for the question of *bona fide* travel, the Tribunal has



returned a finding against the appellant primarily on the ground that the journey ticket was handed over after a delay of two days. The record, however, shows that a journey ticket bearing No. 93324412 dated 01.04.2018 was recovered and subsequently verified from the concerned railway authorities. The verification of the ticket has not been disputed by the respondent. The mere fact that the ticket was taken into custody after two days, particularly when the appellant had suffered grievous injuries and was undergoing medical treatment, by itself, cannot negate the otherwise established fact that the appellant was travelling on a valid ticket. The Court also takes note of the impugned judgment wherein reliance has been placed on the appellant's inability to produce the ticket at the spot, however, he stated that the same would be produced after his treatment. Therefore, no adverse inference can be drawn and the explanation of the appellant supports his case of *bona fide* travel.

11. Once such material is placed on record, the burden shifts upon the Railways to disprove the status of the claimant as a *bona fide* passenger. In this regard reference may be made to the decision of the Hon'ble Supreme Court in Union of India vs. Rina Devi², wherein it has been held that upon proof of a valid journey ticket, the initial burden stands discharged and the onus shifts upon the Railways to rebut the same. No such material, in the present case, has been brought on record by the respondent to show that the said ticket was fabricated or that the appellant was not travelling on the strength of the said ticket.

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

² (2019) 3 SCC 572



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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 10.04.2026.

13. The appeal is allowed and disposed of in the above terms.
14. A copy of this judgment be communicated to the learned Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

APRIL 02, 2026

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