



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

% Reserved on : 27.04.2026  
Pronounced on : 02.05.2026  
Uploaded on : 02.05.2026

+ **FAO 126/2026**

LAXMI & ANR.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Leela Vati Suman, SPC for UOI  
with Mr. Amit Rana, GP

**CORAM:**

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

**JUDGMENT**

**CM APPL. 28079/2026 (exemption)**

1. Allowed, subject to all just exceptions.
2. The application is disposed of accordingly.

**CM APPL. 28080/2026 (Seeking condonation of delay of 10 days in re-filing the appeal)**

1. By way of the present application, the applicants/appellants seek condonation of delay of 10 days in re-filing the appeal.
2. For the reasons stated in the application, it is allowed and the delay of 10 days in re-filing the appeal is condoned.
3. The application is disposed of accordingly.

**FAO 126/2026**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 12.02.2026, passed



by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U) 686/2025, titled as “*Smt. Laxmi & Anr. vs. Union of India*”.

2. Vide the impugned judgment, the Tribunal dismissed the claim primarily on the ground that the incident in question was not an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”) despite observing that a valid journey ticket was recovered, and consequently, did not return any finding on the issue of *bona fide* travel.

3. The brief facts of the case, as stated in the claim application, are that on 26.05.2023, one *Sarvan* (hereinafter referred to as the “deceased”) purchased a valid journey ticket for travelling from *Delhi Jn.* to *Chandausi Jn.* During the course of the said journey, on the intervening night of 26/27.05.2023, owing to heavy rush and jostling near the gate of the compartment, the deceased accidentally fell from the running train near *Chandausi* Railway Station and sustained fatal injuries, as a result of which he died.

4. Learned counsel for the appellants contends that the Tribunal has failed to appreciate the contemporaneous record in its correct perspective. It is submitted that the Station Master memo, statements of the loco pilot and the gateman, as well as the *panchnama* proceedings and DRM report, when read cumulatively, establish a consistent chain pointing towards an “accidental fall” from the running train. It is further stated that the recovery and verification of the journey ticket conclusively establish that the deceased was a *bona fide* passenger and that the inference of a “run over” is based on conjectures.



5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that there is no eye witness to the alleged incident, no specific train has been identified and the nature of injuries indicate towards a case of “run over”, and therefore, the Tribunal has rightly concluded that the case does not fall within the ambit of an “untoward incident”.

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

7. In the backdrop of the above facts, the two questions that arise for consideration are whether the incident in question constitutes as “untoward incident” within the meaning of the Act and whether the deceased was a *bona fide* passenger.

8. Coming first to the manner of occurrence, the contemporaneous material on record does not support the conclusion drawn by the Tribunal. The Station Master memo clearly records that information regarding a “dead body lying in Km No. 69/14 near the Aligarh side of the track” was received in the early hours of 05.54 hours on 27.05.2023 through the keyman, *Jaipal*. The timing of such information bears immediate proximity to the occurrence and constitutes the earliest version of events, and there is nothing on record to suggest that this information is either incorrect or has been subsequently embellished.

9. The gateman’s statement forms part of the same chain of events and corroborates that the information regarding the body was relayed in the normal course of duty. Though the gateman is not an eyewitness to the fall, the evidentiary value of such a statement lies in its contemporaneity and in consistency with the official record. The Tribunal has failed to accord due weight to this material and has instead proceeded to draw inferences not



supported by the record.

Furthermore, the statement of the loco pilot records that the “dead body was seen lying outside the track” at KM no. 69/14. Significantly, the statement does not indicate that the deceased was seen walking on the track, crossing the railway line, or otherwise present on the track prior to the incident. In the absence of such indication, the inference drawn by the Tribunal that the case was not that of an accidental fall is not supported by any cogent evidence.

10. The *panchnama* proceedings further record that the deceased had come into contact with a train and was found lying between the railway tracks with face towards the ground, and body cut in two parts. The said document, however, does not attribute the manner in which the deceased “came into contact” with the train. It neither records that the deceased was crossing the track nor does it rule out the possibility of a fall from a moving train. The Tribunal has, thus, treated the *panchnama* as conclusively establishing that it was not an accidental fall, which is not borne out from its contents.

11. The Tribunal has further relied upon the absence of an eyewitness and non-identification of a specific train, and this approach clearly reflects a misapplication of the standard of proof. It is well recognised that in railway accident cases, direct eyewitness testimony is often unavailable and the occurrence is required to be inferred from surrounding circumstances, and therefore, the absence of direct evidence cannot be treated as determinative.

12. Insofar as the DRM report is concerned, a perusal thereof shows that it records recovery of a valid journey ticket bearing No. UAF 95979130 from the person of the deceased and confirms that the body was found near



Km No. 69/14, and the report does not establish any alternative manner of occurrence. It does not record that the deceased was crossing the track, nor does it attribute the incident to suicide, criminal act or trespass. The mere fact that no specific train could be identified does not negate the occurrence of an “untoward incident”, and the Tribunal has, thus, misread the DRM report by treating it as discrediting the case of the appellants. There is also no material on record to bring the case within any of the statutory exceptions such as suicide, self-inflicted injury or criminal act. In the absence of such material, the liability of the Railways cannot be avoided.

At this stage, it is apposite to note that once an “untoward incident” is established, the liability of railways under Section 124-A is strict in nature, unless the case falls within the statutory exceptions (Ref: Union of India vs. Prabhakaran Vijaya Kumar<sup>1</sup>)

13. Insofar as the issue of *bonafide* travel is concerned, the recovery of the journey ticket bearing No. UAF 95979130 during the inquest proceedings constitutes as direct and unimpeached evidence of the deceased’s travel from *Delhi* to *Chandausi*. The said recovery is duly reflected in the *panchnama* as well as in the DRM report, and the ticket has also been duly verified by the railway authorities.

14. In this regard, it is pertinent to refer to Union of India vs. Rina Devi<sup>2</sup>, wherein it has been held as under:

*“Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.”*

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<sup>1</sup> (2008) 9 SCC 527

<sup>2</sup> (2019) 3 SCC 572



In the present case, not only the initial burden has been discharged, but there exists direct documentary evidence in the form of recovery and verification of the journey ticket, which remains unchallenged. The respondent has not disputed the genuineness of the ticket nor produced any material to show that it did not belong to the deceased and the Tribunal has also failed to return a clear finding on this aspect. In such circumstances, the status of the deceased as a *bona fide* passenger stands duly established.

15. This Court is, therefore, of the considered opinion that the death of the deceased occurred in the course of a railway accident and falls within the definition of an “untoward incident”, and the contrary finding returned by the Tribunal is based on misappreciation of evidence and cannot be sustained.

16. 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 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 13.05.2026.

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

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

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

**MAY 02, 2026**

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