



2026:DHC:7450



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

% Reserved on : 18.08.2026
Pronounced on : 02.09.2026
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CNR No. DLHC010462252019

+ **FAO 466/2019**

VEERAN DEVI

.....Appellant

Through: Mr. Yogesh Swaroop, Mr. Alok Kumar, Ms. Shivangi Singh and Ms. Bhawna Tandon, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Jagdish Chandra, CGSC alongwith Ms. Aishwarya Singh, Ms. Maanya Saxena and Mr. Lakshay Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 50911/2019 (seeking condonation of delay of 299 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 299 days in filing the appeal.
2. Learned counsel for the appellant submits that the delay in filing the present appeal occurred as the appellant is an illiterate lady who, after losing her elder son, has been under severe mental, physical,



social and financial distress and is struggling to meet her basic needs. It is submitted that, being without any technical or special education and having no proper guidance regarding the procedure and limitation for filing an appeal against the order of the RCT, the appellant could not file the present appeal within the prescribed period. It is further submitted that upon subsequently becoming aware of the necessity of challenging the impugned order, the appellant took steps to file the present appeal. The delay is neither wilful nor deliberate, but occasioned by the aforesaid *bona fide* circumstances.

3. It is noteworthy that in “Mohsina vs. Union of 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, and guided by the principle laid down in the aforesaid decisions, 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 299 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

¹(2017) SCC OnLine Del 10003

² FAO 25/2022

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1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 06.04.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in O.A. No. OA(IIu) 131/2017, whereby the claim application filed by the appellant seeking compensation on account of the death of her son came to be dismissed. The appellant thereafter preferred a Review Application, which was dismissed by the Tribunal *vide* order dated 19.09.2018. The present appeal assails the aforesaid judgment and order.

2. The case of the appellant, in brief, is that on 28.09.2016, one *Ramu* (hereinafter referred to as the “deceased”) was travelling along with his younger brother, *Shyam*, from *Shakur Basti* to *Delhi* and thereafter by Train No. 14056 (*BrahmaputraExpress*) from *Delhi* to *Achalda*. It is averred that the deceased was travelling on the strength of a valid second class journey ticket and during the course of the said travel, due to a sudden jerk and push from the co-passengers, the deceased lost his balance and fell from the moving train, sustaining fatal injuries.

3. The Tribunal dismissed the claim application holding, *inter alia*, that the deceased was not established to be a *bona fide* passenger and that his death had not been shown to have occurred in an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”). Additionally, the Tribunal, while dismissing the review, again referred to the timing of the journey ticket and concluded that the incident could not be attributed to the said train.



4. Learned counsel for the appellant contended that the deceased was travelling with his brother *Shyam* on a valid journey ticket, which was recovered from his pocket during the inquest proceedings. It was submitted that the statement of *Shyam* recorded during the inquest proceedings supports the appellant's case and that the Tribunal failed to appreciate the contemporaneous record while holding that the deceased was not a *bona fide* passenger. It was further submitted that the Guard of Train No. 14056 had informed the Dy. Station Superintendent, *Shikohabad*, that a passenger had "fallen from the train" and that the said contemporaneous record could not have been disregarded.

5. Learned counsel for the respondent, on the other hand, supported the impugned judgment and contended that the circumstances surrounding the journey, including the time of purchase of the ticket, the statement and conduct of *Shyam*, and the TSR showing no extra detention of Train No. 14056 at *Shikohabad*, create a serious doubt regarding the alleged fall from the train. It was further submitted that the nature of the injuries and the manner in which the body was found support the possibility of the deceased having been run over while crossing the railway track.

6. At the outset, it is not in dispute that a journey ticket bearing No. I-92390314 was recovered from the pocket of the deceased during the inquest proceedings and was thereafter verified by the Railway authorities. The recovery was, thus, recorded contemporaneously with the occurrence and there is no material to suggest that the ticket was fabricated or planted. The factum of recovery of the ticket from the



person of the deceased, therefore, assumes significance while considering his status as a *bona fide* passenger.

7. Admittedly, *Shyam*, the younger brother of the deceased, examined as AW-2, stated that he was travelling with the deceased after purchasing a valid journey ticket and he identified his body after the occurrence. His statement cannot be viewed in isolation, as his presence is also reflected in the inquest proceedings, where he was associated as a *pancha*. The omission to mention his presence in the claim application, by itself, cannot be made the basis for discarding his testimony when his association with the inquest proceedings and identification of the deceased are borne out from the contemporaneous record. His statement, read with the recovery of the journey ticket from the deceased, supports the appellant's case that the deceased was travelling by train.

8. At this stage, it is apposite to note that in “Union of India v. Rina Devi”³, the Supreme Court has held that the initial burden of establishing that the deceased was a *bona fide* passenger lies upon the claimant and can be discharged by placing the relevant facts and circumstances on record. The same principle has also been reiterated in “Lata v. Union of India”⁴.

In the present case, the recovery of the journey ticket from the deceased, its subsequent verification by the Railway authorities and the statement of *Shyam* recorded during the inquest proceedings, when read together, sufficiently discharge the initial burden. There is no

³(2019) 3 SCC 572

⁴2026 SCC OnLine SC 1350



material of sufficient weight placed by the respondent to rebut these circumstances.

9. Coming next question on the issue whether his death occurred in an “untoward incident” within the meaning of the Act, the contemporaneous railway record assumes significance in this regard. The Dy. Station Superintendent, *Shikohabad*, was informed by the Guard of Train No. 14056 that a passenger had “fallen from the train and had been cut”, which was recorded in the memo dated 29.09.2016 at about 06:30 hours. No material has been placed on record to show that the said information was incorrect or that the Guard had reported any other manner of occurrence.

10. The timing of the journey ticket, by itself, does not alter the aforesaid position. The ticket was purchased at 18:59 hours on 28.09.2016, while Train No. 14056 was scheduled to depart from Old *Delhi* at 23:40 hours. The fact that the ticket was purchased earlier in the evening does not establish that the deceased did not subsequently board the said train. Likewise, the TSR showing arrival of Train No. 14056 at *Shikohabad* at 06:26 hours and departure at 06:28 hours, without extra detention, cannot by itself rule out a fall from the train. This Court in, “*Kari Devi &Ors. v. Union of India*”⁵, while considering a similar objection regarding the timing of a journey ticket, attached significance to the contemporaneous record and declined to displace the same on the basis of an inference unsupported by cogent material.

11. In view of the aforesaid circumstances, and keeping in mind the

⁵2026 SCC OnLine Del 5641



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beneficial nature of the legislation, the claim cannot be rejected on the basis of conjectures as to the manner in which the incident occurred.

12. Accordingly, 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 appellants 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 21.09.2026.

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

SEPTEMBER 02, 2026

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