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

% Reserved on : 25.09.2026
Pronounced on : 02.11.2026
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 # CNR No.DLHC010066382026

\+ **FAO 59/2026**

GUDDI DEVI & ANR. .....Appellant
Through: Ms. Samta Jain and Mr. Aakash Poddar, Advocates

versus

UNION OF INDIA .....Respondent
Through: Ms. Arti Bansal, CGSC with Ms. Archana Kumari, Advocate and Ms. Yashika Rawal, GP

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 24.12.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/637/2024, whereby the claim application filed by the appellants seeking compensation on account of the death of their son, *Sonu Kumar Meena* (hereinafter referred to as the "deceased"), came to be dismissed.

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2. Briefly stated, the case of the appellants before the Tribunal was that on 18.03.2024, the deceased was travelling from *Alwar* Junction to *Delhi* Cantt. by Train No. 22996 (*Mandore* Express), after purchasing a valid journey ticket. It was pleaded that, owing to heavy rush in the general compartment, the deceased was standing near the gate and when the train was passing near *Ganda Nala*, East *Sagarpur*, he accidentally fell from the moving train due to a push from fellow passengers and a sudden jerk.The deceased succumbed to his injuries. The appellants, being his parents, thereafter approached the Tribunal seeking compensation under the Railways Act, 1989 (hereinafter referred to as the "Act").

3. The Tribunal dismissed the claim primarily on the ground that while *Mandore* Express was passing on the DN line, the deceased's body was found on the eastern side of the UP line and his severed right hand was lying in the middle of the UP line. It was of the view that, having regard to the distance between the two railway lines and the nature of the injuries, the deceased could not have moved from the DN line to the UP line after falling from the train. The Tribunal also held that the ticket recovered from the deceased did not make him a *bona fide* passenger of a train travelling on the UP line.

4. Learned counsel for the appellants, while assailing the impugned judgment, submitted that the recovery of the valid journey ticket establishes that the deceased was travelling as a *bona fide* passenger in *Mandore* Express, an aspect which is also not disputed by the respondent. Learned counsel further submits that the material on record, including the police proceedings and the final inquest report,

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supports the appellants' case that the deceased had fallen from the moving train.It is contended that the mere fact that the body was subsequently found near the adjoining railway line could not have led to the conclusion that the deceased was crossing the railway track. Learned counsel also points out the discrepancy in the site plans accompanying the police proceedings and the DRM report, and submits that the position of the body has not been consistently depicted in the two documents.

5. *Per contra*, learned counsel for the respondent, while defending the impugned judgment, submits that the deceased was travelling in a train running on the DN line, whereas his body was found near the UP line. It is contended that the distance between the two lines and the nature of the injuries sustained by the deceased renders the appellants' version doubtful. It is further submitted that neither the loco pilots nor the train managers of the concerned trains reported having witnessed any incident involving the deceased.

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

7. At the outset, the finding of the Tribunal on the *bona fide* passenger status of the deceased is liable to be set aside. The original journey ticket bearing No. UDB-38642967 was placed on record. The respondent, in its written statement, acknowledged that the ticket had been verified from the CRIS office and was found to have been validly issued. More importantly, the order dated 09.04.2025 records the submission of learned counsel for the respondent expressly admitting that the deceased was a *bona fide* passenger. In view of the said

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admission, the Tribunal specifically observed that no issue was required to be framed regarding his status as a *bona fide* passenger. The proceedings thereafter continued on the basis of the issues framed, which did not include any dispute regarding the validity of the ticket or the deceased's status as a passenger. Having recorded such an admission and proceeded accordingly, the Tribunal could not, while deciding the claim, return a finding against the appellants on the very same question. The subsequent reasoning that the deceased was not a valid passenger of a train travelling on the UP line proceeds on an entirely misplaced premise. The ticket was for the journey from *Alwar* to *Delhi* Cantt. and its validity was never dependent upon the particular railway line on which the deceased's body was eventually found. The deceased's status as a *bona fide* passenger thus stands established.

8. The controversy which remains for consideration is whether the death of the deceased occurred in an "untoward incident" within the meaning of Section 123(c)(2) of the Act. Section 124-A of the Act provides for compensation on the principle of no-fault liability where death or injury is caused in an untoward incident, subject to the exceptions specifically enumerated therein. The question, therefore, is not whether the appellants have been able to establish the precise mechanics of the fall, but whether the material on record, considered as a whole, makes an accidental fall from a passenger train more probable than the alternative suggested by the respondent.

9. The contemporaneous record establishes that the deceased was found near KM No. 15/05-07. The post-mortem report records multiple grazed abrasions, gross laceration on the right side of the chest with

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exteriorisation of internal organs, traumatic amputation of an upper limb, injuries to the lower limb, multiple rib fractures and severe cranio-cerebral injury. These injuries were recorded as ante-mortem and fresh, and the possibility of a train accident was noted. The *NakalRoznamcha* dated 18.03.2024 also records the condition in which the body and its severed parts were found. The material, therefore, establishes a death involving contact with a moving train. The fact that the deceased's body was found near the UP line, while *Mandore* Express had passed on the DN line, is undoubtedly a relevant circumstance, however, it cannot be treated as conclusive of the manner in which the deceased came to be at that location.

10. The Tribunal's conclusion that the deceased could not have reached the UP line after falling from *Mandore* Express rests substantially on the distance between the two tracks and the severity of the injuries. The said measurement, however, does not establish the precise manner in which a person falling from a moving train, and thereafter being exposed to the movement of another train, would come to be found at a particular spot. Nor does it establish that a person sustaining injuries in such an incident would necessarily be incapable of any movement thereafter. The Tribunal has proceeded on an assumption regarding the physical possibility of the deceased reaching the UP line, without any material establishing the precise trajectory of the fall or ruling out the possibility that the deceased, after falling from *Mandore* Express, came to be on or near the adjacent line.

11. Pertinently, the record refers to *Mandore* Express passing on the DN line and *Shatabdi* Express passing on the UP line, with an

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interval between the two movements. The absence of any report from the loco pilots or train managers that they had witnessed the incident cannot be said to establish that no such incident occurred. Equally, the absence of an eyewitness cannot be treated as fatal to a claim of this nature, where the incident is alleged to have taken place while the deceased was travelling in a moving train. The Tribunal was required to assess the contemporaneous material, the condition of the body, the nature of the injuries and the surrounding circumstances cumulatively. Instead, it treated the location of the body and the distance between the tracks as determinative, without adequately examining whether the circumstances, taken together, supported the appellants' version of an accidental fall.

12. A similar view has been taken by this Court in "*Ravindra Singh &Anr. v. Union of India*"[1], wherein it was held that the location and condition in which a body is found cannot, in isolation, furnish an inflexible test for determining whether the deceased had fallen from a running train. The circumstances surrounding the incident have to be examined as a whole, and the possibility of an accidental fall cannot be discarded merely on the basis of the position of the body or the nature of the injuries.

13. It is equally necessary to bear in mind that the provisions of the Act providing for compensation in cases of "untoward incidents" are beneficial in nature. In "*Union of India v. Prabhakaran Vijaya Kumar*"[2], the Supreme Court emphasised that such provisions must

[1]FAO 49/2026, decided on 01.09.2026
[2](2008) 9 SCC 527

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receive a liberal interpretation so as to advance the object of the legislation. The principle of no-fault liability under Section 124-A was reiterated in "*Union of India v. Rina Devi*"[3], wherein the Supreme Court also clarified that negligence on the part of a passenger cannot, by itself, be equated with a self-inflicted injury. The claimants are required to establish the occurrence on a preponderance of probabilities andthey cannot be expected to produce direct evidence of an incident which ordinarily takes place without the presence of an eyewitness.

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 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 30.11.2026.

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

NOVEMBER 02, 2026
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[3](2019) 3 SCC 572

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