



2026:DHC:7521



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

% Reserved on : 20.08.2026
Pronounced on : 03.09.2026
Uploaded on : 03.09.2026

CNR No. DLHC010863112025

+ **FAO 301/2025**

REETA DEVI &ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Mr.Kshitij Chhabra, SPC with
Mr.RahulKumar, 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 20.06.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/08/2025 titled as "Smt. Reeta Devi & Ors. vs. Union Of India".

2. The brief facts of the case, as set out before the Tribunal, are that on 02.04.2023, one Sh. Ravi Kant (hereinafter referred to as the "deceased") was travelling from Kasganj to Agra, on the strength of a second-class journey ticket, by Train No. 15056 (Agra Fort Express Train). It is averred that during the course of the aforesaid travel, when the train was passing between Kasganj and Marhara railway stations,



the deceased accidentally fell from the train and died at the spot. The journey ticket and other belongings are stated to have been lost in the incident.

3. *Vide* the impugned judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the alleged incident qualify as an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the appellants assailed the impugned judgment contending that the Tribunal failed to appreciate that the initial burden of establishing that the deceased was a *bona fide* passenger stood discharged by the affidavits of AW-1/ Smt. *Reeta Devi*, wife of the deceased and AW-2/Sh. *Umesh*, brother-in-law of the deceased, who categorically deposed that the ticket was purchased in his presence and that he had seen the deceased off at *Kasganj*. It was submitted that mere non-recovery of the ticket cannot negate *bona fide* status and in this regard he placed reliance on the decision in “*Union of India v. Rina Devi*”¹.

5. *Per contra*, learned counsel for the respondent submitted that no ticket was recovered during the *jamatalashi* and that the evidence of AW-2 regarding purchase of the ticket in his presence was an afterthought, not disclosed in the claim petition or to any official at the earliest stage. It was contended that the DRM Report and contemporaneous records concluded that the deceased was “run over” while crossing the track, and that the nature of injuries supported the

¹ (2019) 3 SCC 572



theory of being hit by a moving train rather than a fall from a passenger train.

6. A perusal of the proceedings would show that it is an admitted fact that no ticket was recovered at the time of the incident. However, as per Rina Devi(supra), the law regarding the non-recovery of the journey ticket is well settled. The initial burden resting upon the claimants is only to place on record the relevant facts and circumstances to establish *bona fide* travel, whereafter the onus shifts upon the Railway Administration to rebut the same by leading cogent evidence. This principle was reiterated by the Supreme Court in “Lata v. Union of India”².

Applying the aforesaid principle to the facts of the present case, Sh. *Umesh*/AW-2, the brother in law of the deceased, categorically deposed that he accompanied the deceased to the *Kasganj* Railway Station to see him off and the deceased purchased a second-class journey ticket in his presence. Additionally, Smt. *Reeta Devi*/AW-1, wife of the deceased, also deposed regarding the purpose of the journey and purchase of a ticket. The respondents failed to lead any oral evidence to rebut the same. The Tribunal, however, discarded the testimony of AW-2 principally on the ground that the fact of ticket purchase in his presence was not mentioned in the claim application and was disclosed only at the stage of evidence. Pertinently, is it relevant to note that the name of *Umesh* was, though, mentioned in the claim application, the omission was, therefore, not as to the identity of the witness but only as to the specific assertion regarding the ticket. In

²² 2026 SCC OnLine SC 1350



the opinion of this Court, the said discrepancy, by itself, does not detract from the categorical assertion of AW-2 in his affidavit, particularly when the respondents failed to lead any evidence in rebuttal.

7. The next issue that arises for consideration is whether the deceased died in an “untoward incident” within the meaning of the Act. A careful consideration of the record would show that the first information given by the Loco Pilot of Train No. 49165 (Goods Train) as recorded in the Station Master’s memo, only states that a dead body was lying “inside the track” at KM 248/17-18 and does not record any eye-witness account of run-over. The DRM Reportas well as the other contemporaneous railway records, record that the deceased had come in the “*chapet*” of a moving train while crossing the train and none of these records contains any eye witness account of the deceased committing a trespass.

8. In addition to the aforesaid, the nature of the injuries, though severe, cannot, by itself, conclusively establish the manner in which the deceased came to be on the railway track. The possibility that the deceased may have accidentally fallen from the train and thereafter come under its wheels cannot be ruled out merely on the basis of the nature of the injuries or the condition in which the body was found.

9. This assumes significance in view of the nature of liability contemplated under Section 124-A of the Act. The provision is founded on the principle of strict liability and constitutes beneficial legislation. As observed by this Court in “Smt. Sanju Devi & Anr. v.



Union of India”³, where the Railways seek to attribute to the deceased an act falling within the exceptions contemplated under Section 124-A, the same has to be established on the basis of the evidence on record and cannot be founded merely on an unsupported conclusion. In the present case, apart from the conclusions drawn in the investigative records, there is no independent evidence to establish the precise manner in which the deceased came to be on the track.

10. Hence, in view of the foregoing discussion and considering the peculiar facts and circumstances of the present case as well as the beneficial nature of legislation, the deceased is held to have been a *bona fide* passenger and the occurrence is held to fall within the ambit of an “untoward incident” within the meaning of the Act.

11. 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 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 21.09.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 03, 2026/na

³2026 SCC OnLine Del 3366