



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

% Reserved on : 23.04.2026
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+ **FAO 5/2026**

INDRANI & ORS.Appellant

Through: Mr. Rajan Sood, Advocate

versus

UNION OF INDIARespondent

Through: Ms. Avshreya Pratap Singh Rudy,
CGSC for UOI with Ms. Usha
Jamnal, Ms. Nyasa Sharma and Mr.
Ankit Khatri, Advocates

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 impugned judgment dated 28.07.2025 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA II(u) No. 205/2024.

2. The brief facts of the case, as stated in the claim application are that on 08.03.2024, one Sh. *Shukru* (hereinafter referred to as the "deceased"), along with his wife, had boarded Train no. 12427 (*Reva Express*) from *Manikpur Junction* for travelling to *Anand Vihar Terminal*, on the strength of a valid journey ticket, and during course of the said journey, in the early



hours of 09.03.2024, when the train reached the *Ajaibpur-Dadri* section, the deceased allegedly fell from the train and was subsequently run over by another train, resulting in his death.

3. Learned counsel for the appellants assailed the impugned judgment by contending that the Tribunal erred in rejecting the claim despite recovery and verification of the journey ticket and failed to properly appreciate the testimony of the wife of the deceased, who was an eyewitness to the occurrence. It was further contended that the Tribunal wrongly relied upon the DRM Report and the testimony of the Loco Pilot while ignoring the surrounding circumstances. Reliance was placed upon decisions in *Nisha Devi vs. Union of India*¹, *Rahnuma v. Union of India*², *Rajni & Anr. vs. Union of India*³, and *Prithvi Singh vs. Union of India*⁴ to contend that cases involving fall from train followed by “run-over” fall come within the ambit of “untoward incident”, as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal has correctly appreciated the evidence and concluded that the case was one of “man run over (MRO)” and not an accidental fall from the train. It was contended that the version of the Assistant Loco Pilot, supported by contemporaneous railway records including Station Master memo and DRM Report, clearly establishes that the deceased came “onto the railway track” and was hit by Train No. 12312, and that there is no material to establish that he had fallen

¹ 2026: DHC:369

² 2025: DHC:5335

³ 2025 INSC 1201

⁴ 2022: DHC:4125



from any train.

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

6. The principal issue that arises for consideration is whether the appellants have been able to establish that the death of the deceased occurred as a result of an “untoward incident” within the meaning of Section 123(c) of the Act.

7. A careful examination of the evidence on record indicates that the Tribunal has returned a finding, based on cogent material, that the incident was a case of “man run over”. The testimony of RW-1, *Mohd. Parvez*, Assistant Loco Pilot of Train No. 12312, assumes significance in this regard. He has categorically deposed that on 09.03.2024, while he was on duty along with *Kamlesh Kumar Meena*, Loco Pilot on Train No. 12312 (*Kalka Mail*), at about 07:25-07:28 hours, when the train was passing between *Ajaibpur* and *Dadri* at KM No. 1413/20, one person was “run-over” as he suddenly came onto the track in front of the train while “using a mobile phone with headphones”. Despite continuous blowing of the horn and application of brakes, the person could not be saved and was hit by the engine. He further deposed that the incident was immediately recorded in the loco pilot book and was also reported to the Deputy Station Superintendent and the concerned control authorities.

8. It is also a matter of record that Train No. 12427 (*Rewa Express*), in which the deceased was allegedly travelling, had an unscheduled halt near the home signal of *Dadri* for approximately 20 minutes. However, no material has been brought on record to establish that the deceased fell from the said train, and the contemporaneous records pertaining to the said train



also does not reflect any such incident of fall from the train at the relevant time.

9. The said version finds complete corroboration from the contemporaneous railway records. The Station Master memo, issued at about 07:30 hours on 09.03.2024, records the occurrence of “MRO” (man run over) at the same KM line. The entry made in the loco pilot book on the very same day, a copy of which has also been placed on record, records that a person using a mobile phone came in front of the train and was hit despite application of brakes. These entries were made in the ordinary course of official duties immediately after the occurrence and the proximity of the said recording to the incident lends them a high degree of credibility, and there is no material on record to suggest any fabrication or manipulation.

10. The version of the appellants rests primarily on the testimony of Smt. *Indrani*, AW-1, the wife of the deceased, who has stated that the deceased fell while attempting to reboard the train. However, this version does not find corroboration from any contemporaneous or independent source. The earliest version available on record, including the Station Master memo and the loco entry made at about 07:25-07:30 hours, consistently describe the incident as one of a person coming onto the track and being “run over”. The Tribunal has, therefore, rightly preferred the version emerging from contemporaneous official records and the testimony of RW-1 over the uncorroborated version of AW-1.

The juxtaposition of the two versions clearly indicates that while the railway version is supported by immediate and consistent documentation, the appellants’ version introduces a subsequent narrative of fall from the train which is not borne out from the record. The presence of the deceased



on the track at the relevant time stands independently established, whereas the alleged fall from Train No. 12427 remains unsubstantiated.

11. The reliance placed by the appellants upon the decisions in *Nisha Devi* (supra), *Rahnuma* (supra), *Rajni & Anr.* (supra), and *Prithvi Singh* (supra) is misplaced. In those cases, the courts found, on the basis of cogent evidence, that the victim had fallen from the train and the subsequent run over was a consequence of such fall. The applicability of the principle laid down in those judgments is contingent upon proof of the initial fall. In the present case, however, the foundational fact of fall from the train has not been established as the material on record consistently indicates that the deceased came onto the railway track and was run over by Train No. 12312. In such circumstances, the ratio of the aforesaid decisions cannot be applied.

12. In view of the above findings, this Court is of the considered opinion that the appellants have failed to establish that the death of the deceased occurred as a result of an “untoward incident” within the meaning of Section 123(c) of the Act.

13. It is well settled, as observed in *Union of India vs. Rina Devi*⁵, the death or injury occurring in the course of boarding or de-boarding a train would fall within the ambit of an “untoward incident”. However, the applicability of the said principle is contingent upon proof of such boarding or de-boarding in the course of a railway journey. In the present case, the material on record does not establish that the deceased fell from the train while boarding or de-boarding.

14. Once the foundational requirement of an untoward incident is not satisfied, the question as to whether the deceased was a *bona fide* passenger

⁵ (2019) 3 SCC 572



2026:DHC:3789



does not require adjudication. The mere recovery or otherwise of a journey ticket cannot give rise to a claim for compensation in the absence of an “untoward incident”.

15. In light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

16. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

MAY 04, 2026

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