



2026:DHC:977



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

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Reserved on : 03.02.2026
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FAO 189/2024

SMT CHANDA DEVI & ORS.Appellants

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

versus

UNION OF INDIARespondent

Through: Mr. Varun Vats, SPC, UOI and
Mr. Vivek Nagar G.D., Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 34302/2024 (Application seeking condonation of delay of 185 days in filing the present appeal by the appellants)

1. By way of the present application, the applicants/appellants seek condonation of delay of 185 days in filing the appeal.
2. Learned counsel for the appellants submits that after the passing of the impugned judgment/order dated 05.09.2023, the appellants unable to file the appeal within the prescribed period. It is submitted that the delay is *bona fide* and neither intentional nor deliberate. It is further submitted that the



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appellants belong to an economically weaker background, and due to paucity of funds, could not obtain timely legal advice.

3. Learned counsel for the respondent, on the other hand, has opposed the present application.

4. It is worthwhile to note that in *Mohsina v. Union of India*¹, a Coordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic status of the appellants/claimants.

5. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforementioned decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay caused in filing the present appeal.

6. Accordingly, the application is allowed and the delay of 185 days in filing the present appeal is condoned.

7. The application is disposed of in above terms.

FAO 189/2024

1. The present appeal is filed under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the judgment dated 05.09.2023 passed by the Railway Claims Tribunal, Delhi, in Case No. OA(IIu) No. 87/2013 titled as, "*Smt. Chanda Devi & Ors. v. Union of India*".

¹ 2017 SCC OnLine Del 10003



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2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants, holding that the deceased was neither a bona fide passenger in the train in question nor the alleged incident was proven to be an “untoward incident” as defined under the Railways Act, 1989.

3. Briefly stated, the facts necessary for adjudication of the present appeal are that in the claim petition, it was claimed that on the intervening night of 25/26.10.2018, *Sachitanand Singh @ Sachidanand* (hereinafter referred to as “deceased”) was traveling from *Ara, Bihar, to New Delhi* on the strength of a valid journey ticket. It was claimed that when the train was about to reach the *New Delhi* Railway Station, the deceased, who was standing near the gate of the train compartment, accidentally fell down from the moving train, and sustained grievous injuries. Thereafter, he was removed to LNJP Hospital where he was declared brought dead.

4. Learned counsel for the appellants has assailed the impugned order by contending that the death of the deceased had occurred on account of his accidental fall from the train. It was submitted that the deceased was a bona fide passenger, as he was undertaking the train journey based on a valid ticket and that a mere non-recovery of the ticket cannot be held against the appellants. Further, it is submitted that the alleged accident amounted to an “untoward incident”, inasmuch as the head injuries caused to the deceased, duly recorded in his post-mortem and inquest reports, were of a nature which, according to the appellants, could be caused by an accidental fall from train. It is also pointed out that the respondent has not claimed that the



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incident falls in any exception under Section 124A of the Railways Act, 1989. Reliance has also been placed on *Doli Rani Saha v. Union of India*² and *Bhola v. Union of India*³ in support of his submissions.

5. Learned counsel for the respondent, on the other hand, supported the impugned judgment and reiterated that the deceased was neither a bona fide passenger nor had his death occurred as a result of an untoward incident, placing reliance on the non-recovery of any journey ticket, the location where the deceased was found, and the nature of the injuries sustained.

6. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a bona fide passenger and whether the alleged accident qualifies as an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989.

7. As regards the first issue, this Court notes that it remains undisputed that no train ticket was recovered from the person of the deceased. It also emerges from the record that the deceased was travelling alone. To discharge their burden of proving the bona fides of the deceased, appellant No.1, the wife of the deceased, tendered her affidavit, wherein she stated that her husband was travelling on a valid ticket, and that when the train had reached *New Delhi* Railway Station, her husband, who was standing at the train compartment, accidentally fell down from the train, received injuries, and later died. However, as noted by the Tribunal, the said testimony was based

² (2024) 9 SCC 656

³ 2018 SCC OnLine Del 13504



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on hearsay since the witness was admittedly not accompanying the deceased during the journey and had also not witnessed the purchase of the ticket by the deceased.

8. Insofar as the issue regarding whether the alleged incident amounts to an “untoward incident” is concerned, the gravamen of the appellants’ case is that the deceased had accidentally fallen from the train. However, a perusal of the record reveals that the body of the deceased was found at a considerable distance from the railway tracks, i.e., about 200 metres on Ring Road towards Yamuna and approximately 2 to 2.5 feet away from the down track, which *prima facie* appears to be inconsistent with the claim of an accidental fall from the train. The Tribunal rejected the explanation advanced on behalf of the appellants that the deceased may have moved to the said place after falling from the train, holding that, in view of the grievous head injuries noted in the post-mortem report, the possibility of the deceased having moved after the fall stood completely ruled out.

9. *Secondly*, with regards to the alleged incident, a perusal of the record reveals that there is no eye-witness to the same. It was further observed that no information regarding the alleged incident was recorded anywhere in the contemporaneous documents. The DRM report (Exhibited as annexure M), as noticed by the Tribunal, also did not support the appellants’ case and recorded that there was no material to establish that the deceased had fallen from a running train. In fact, the said incident came to light only at the instance of Head Constable Narender Kumar of GRP, *New Delhi*, whereafter DD No. 28A was lodged and other relevant proceedings were conducted.



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Before the Tribunal, the said constable was examined as CW-1. He deposed that he had incidentally found the deceased lying unconscious at the said place while he was patrolling on the *New Delhi* to *Ghaziabad* line. Thereafter, he sent the body of the deceased to LNJP Hospital where the inquest proceedings and post-mortem took place. Pertinently, in his cross-examination, he stated that neither was he aware as to how the deceased came to be lying at the said place, nor had he seen him fall from the train.

10. The absence of any eye-witness or contemporaneous railway record, the distance between railway track and location of the body of deceased, the testimony of CW-1, when considered cumulatively, do not support the appellants' case of an accidental fall from the train within the meaning of Section 123(c) of the Railways Act, 1989. In view of the aforesaid, the Tribunal was correct in holding that it was not out of the realm of possibility that the alleged accident could have taken place on account of other reasons, and that the accidental fall of the deceased from the train was not satisfactorily proven.

11. In view of the foregoing discussion, the present appeal is dismissed and the impugned judgment stands affirmed.

12. The present appeal is disposed of in the above terms.

**MANOJ KUMAR OHRI
(JUDGE)**

FEBRUARY 05, 2026

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