



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

% Reserved on : 02.04.2026
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+ **FAO 473/2017**

SUNITAAppellant
Through: Mr. S.K. Singh, Advocate

versus

UNION OF INDIARespondent
Through: Mr. Jitesh Vikram Srivastava, SPC
for UOI

**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 12.04.2017 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)136/2016, titled as "*Smt. Sunita vs. Union of India*".

It is pertinent to note that during the pendency of the present appeal, the appellant i.e., the mother of the deceased, expired on 02.08.2023, and her son and three daughters were brought on record as her legal representatives in terms of the order passed on 03.11.2025, and they are now prosecuting the present appeal.



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

3. The brief facts of the case, as stated in the claim application, are that on 07.06.2013, one *Sonu @ Suraj Chopra* (hereinafter referred to as the “deceased”) was travelling from *Haridwar* to *Old Delhi*, along with his brother *Vijay Chopra* and a friend namely *Jitender Sharma*, after purchasing valid journey tickets, and while undertaking the said journey, due to heavy rush in the compartment, he fell from the running train near *Sahibabad* Railway Station and sustained fatal injuries. He was taken to GTB Hospital by his brother, where he succumbed to his injuries.

4. Learned counsel for the appellant assails the impugned judgment by contending that the Tribunal has erred in rejecting the claim despite sufficient evidence establishing that the deceased was a *bona fide* passenger, and had suffered an accidental fall from the running train. It is submitted that although the journey ticket was not recovered, the affidavits of AW-2, *Vijay Chopra* and *Jitender* have clearly established that the tickets were purchased by the deceased, and they were travelling along with him, and the fall occurred due to overcrowding and sudden jolt in the compartment. Furthermore, learned counsel contends that the Tribunal has placed undue reliance on the discrepancies relating to the ticket for four persons, and ignored the contemporaneous material on record including the DD entries and medical records.



5. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that the deceased was not a *bona fide* passenger as no journey ticket was recovered. It is further submitted that the inconsistencies in the statements, particularly with regard to the number of persons travelling and the custody of tickets, render the case doubtful. Learned counsel submits that the production of a ticket for four persons creates doubt as to the case set up by the appellant, and that the presence of *Vijay* is not borne out from the medical or police record. It is further contended that the incident does not fall within the ambit of an “untoward incident”, and rather occurred due to the negligence of the deceased, as also reflected in the DRM report, and therefore does not entitle the appellant to compensation.

6. This Court has heard the arguments of both the parties and perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration are that, whether the deceased was a *bona fide* passenger and whether the alleged incident was an “untoward incident” as defined under the Act.

8. Coming first to the manner of occurrence, the contemporaneous evidence on record lends support to the appellant’s version. The earliest information regarding the incident as reflected in DD No. 20B dated 08.06.2013, recorded at P.S. GTB Enclave, notes that the deceased had fallen from a train at *Sahibabad*, and was brought to GTB Hospital by *Vijay*. The timing of such entry, recorded on the basis of information received from the hospital at about 10:20 am, bears close proximity to the occurrence and constitutes an important piece of evidence which cannot be



disregarded.

9. The Tribunal has, however, chosen to discard the evidentiary value of the said contemporaneous record, and instead relied upon inconsistencies relating to tickets and the presence of witnesses, to conclude that the deceased was not a *bona fide* passenger. In doing so, the Tribunal has failed to appreciate that once the occurrence of fall from a train stands established, such discrepancies assume limited significance.

10. The Tribunal itself has returned this finding that the death occurred due to a fall from a train, and once it is established that the deceased had fallen from a running train, the incident would squarely fall within the definition of an “untoward incident” under the Act. In such circumstances, the liability under Section 124-A stands attracted, and considerations such as negligence, including allegations of overcrowding or standing near the door as reflected in the DRM report, do not take the case outside the statutory framework in the absence of proof of any exception.

11. Insofar as the issue of *bona fide* travel is concerned, it is not in dispute that no journey ticket was recovered from the person of the deceased during *jamatalashi*. However, in view of the settled law in Union of India vs. Rina Devi¹, the absence of recovery of a ticket cannot, by itself, be treated as conclusive. In the present case, the appellant has discharged this initial burden, as *Vijay Chopra* (AW-2) has deposed in his affidavit that he was travelling with the deceased, and that the tickets for the return journey from *Haridwar* were purchased and kept in the bag of the deceased, which was not recovered after the incident. The said testimony finds corroboration from DD No. 20B, which records that *Vijay* had brought the deceased to the

¹ (2019) 3 SCC 572



hospital immediately after the incident. In addition, *Jitender*, the friend of the deceased, has also deposed that he was travelling with the deceased and his brother, and that the fall of the deceased occurred in the course of such journey.

12. Equally significant is the fact that the respondent has not led any evidence before the Tribunal to establish anything to the contrary. Though reliance has been placed on the DRM report, the same proceeds on the basis that the deceased fell from the train and merely attributes self-negligence.

13. The Tribunal has, however, proceeded to reject the claim primarily on the basis of discrepancies relating to the production of a ticket for four persons for the onward journey from *Delhi* to *Haridwar*, and the absence of the ticket for the return journey. The said approach does not take into account that the onward journey ticket only establishes travel to *Haridwar*, and the absence of clarity regarding the fourth passenger does not negate the case of return journey. The explanation that the return journey tickets were kept in a bag which was lost in the incident cannot be said to be improbable in the facts of the present case.

14. The Tribunal has also doubted the presence of *Vijay* on account of absence of his name in certain records. However, the contemporaneous DD entry records that *Vijay* had brought the deceased to the hospital, which lends assurance to his presence and cannot be ignored. The non-mention of his name in other records prepared in emergent circumstances does not outweigh such contemporaneous evidence.

15. This Court, in view of the above, is of the considered opinion, that the requirements laid down in *Union of India v. Rina Devi* (supra) stands duly satisfied in the present case, and the respondent has failed to rebut the



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presumption arising therefrom, and the grounds urged by them are untenable as they are solely based on inconsequential and futile objections rather than on any substantive evidence.

16. 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 20.04.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

APRIL 06, 2026

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