



2026:DHC:2903



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

% Reserved on : 06.04.2026  
Pronounced on : 07.04.2026  
Uploaded on : 07.04.2026

+ **FAO 476/2019**

RAKESH @ RAJU .....Appellant

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

versus

UNION OF INDIA .....Respondent

Through: Ms. Pratima N. Lakra, CGSC with  
Ms. Kiran Dharam, Mr. Shaileendra Kumar Mishra  
and Ms. Upanita S., Advocates

**CORAM:  
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

### **JUDGMENT**

#### **CM APPL. 51620/2019 (Seeking condonation of delay of 922 days in filing the appeal)**

1. By way of the present application, the appellant seeks condonation of delay of 922 days in filing the appeal.
2. Learned counsel for the appellants submits that the appellant belongs to an economically weaker section and, due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice.
3. It is further submitted that the appellant had suffered grievous injuries resulting in a permanent disability, and was undergoing prolonged medical



treatment and rehabilitation. Owing to his precarious physical condition, coupled with financial constraints, the appellant was not in a position to pursue legal remedies within the prescribed period.

4. It is noteworthy that in “*Mohsina vs. Union of India*”<sup>1</sup>, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant. Similarly, this Court in “*Shalini Gihar vs. Union of India*”<sup>2</sup>, allowed the application, and a delay of 1122 days was condoned, considering the financial hardship of the appellants and the surrounding circumstances.

5. The Railways Act, 1989 and the Railways Claims Tribunal Act, 1987 arise out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

6. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

7. In view of the aforesaid, the application is allowed and the delay of 922 days in filing the appeal is condoned.

8. The application is disposed of accordingly.

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<sup>1</sup>(2017) SCC OnLine Del 10003

<sup>2</sup>(2023) SCC OnLine Del 3193



### **FAO 476/2019**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the impugned judgment dated 17.02.2017 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the “Tribunal”) in Claim Application OA II(u) No. 195/2015, whereby the claim application filed by the appellant seeking injury compensation was dismissed.
2. The case of the appellant, in brief, is that on 20.06.2015, while travelling from Old *Delhi* Railway Station towards *Shahdara* by a passenger train, he allegedly fell from the train near Red Fort due to a sudden jerk and sustained grievous injuries, resulting in amputation of both the legs.
3. Learned counsel for the appellant assailed the impugned judgment contending that the Tribunal erred in rejecting the claim while overlooking the material on record. It was submitted that the injuries sustained by the appellant, including amputation of both legs, stand duly established from the medical record. Learned counsel further contended that the appellant had discharged the initial burden by producing the Monthly Season Ticket (MST) bearing No. 11ZQB9P194, and the minor discrepancies in the name ought not to have been given undue weight, particularly in a beneficial legislation.
4. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the appellant failed to establish the foundational requirement of being a *bona fide* passenger. It was contended that the MST relied upon does not belong to the appellant, inasmuch as it has been issued in a different name and bears inconsistent particulars. Learned counsel further submitted that the discrepancies in the name and



age of the appellant across the MST and the contemporaneous medical record, including the MLC, go to the root of the identity of the claimant.

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

6. Insofar as the occurrence of an “untoward incident” is concerned, the record reflects that the injured was brought to the hospital as an accident case and the MLC prepared at *Lok Nayak* Hospital records grievous injuries, including amputation. The DD entry No. 20A dated 20.06.2015 recorded at *Old Delhi*, also notes information regarding an injured person found near the railway track and being taken for medical assistance. The said contemporaneous record establishes the factum of an accident and the nature of injuries sustained, and furthermore, having regard to the contemporaneous record, the occurrence of an “untoward” incident is assumed in favour of the appellant.

7. The principal question, however, is whether the appellant has been able to establish that he was travelling as a *bona fide* passenger. In this regard, the appellant has relied upon the MST bearing No. 11ZQB9P194 to assert that he was travelling with a valid authority, and a perusal of the said MST shows that it has been issued in the name of *Raju*. However, a perusal of the record shows that two other MSTs have been placed on record, and one of them clearly reflects the name *Raj Kumar*. The presence of different names in the MST documents itself creates a serious doubt as to the identity of the person, to whom, the relied MST pertains. Further, the age reflected in the MST, i.e., 35 years, does not correspond with the age emerging from the medical record, including the MLC prepared at the *Lok Nayak* Hospital at the time of admission, the Aadhaar card of the appellant and the identity



card issued by the Election Commission of India, which records the present age as 38 years (25 years as on 01.01.2012), as well as the permanent disability certificate, which records the age as 28 years and the claim application, wherein the age of the appellant is recorded as 27 years. The government records, being prepared at the first point of contact and in ordinary course of law, carry significant evidentiary value. Although reliance has been placed on a certificate issued by the local MLA to contend that the names belong to the same individual, the said certificate does not address or reconcile the discrepancy in age reflected across the documents. Therefore, the inconsistency in the MST records, coupled with the mismatch in age across documents, goes to the root of the matter and renders the linkage between the appellant and the MST unreliable.

8. The explanation offered is that the name was mistakenly recorded as incorrect at the time of the issuance of the MST, however, such an explanation, in the considered view of this Court, does not inspire confidence. Furthermore, no material has been placed on record to demonstrate that any request for the correction was ever made, or that the issuing authority committed any such error. In the absence of any supporting material, the plea of incorrect recording remains a vague assertion and cannot be accepted to bridge the discrepancy. The reliance placed on the decision in Union of India v. Rina Devi<sup>3</sup> is misplaced, as the said judgment proceeds on the premise that the claimant is able to discharge the initial burden of establishing *bona fide* travel, whereas, in the present factual matrix, the initial burden itself is not satisfied.

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<sup>3</sup>(2019) 3 SCC 572



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9. The inconsistency in name, coupled with the mismatch in age and the absence of any reliable explanation or corroborative material, does not support the appellant's version of *bona fide* travel, and once the appellant fails to establish his status as a *bona fide* passenger, the claim under Section 124-A of the Railways Act, 1989 cannot be sustained.

10. In view of the foregoing and in light of the reasoning given in the impugned order, I do not find any merit in the contentions of the appellant. Accordingly, the present appeal is dismissed.

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**APRIL 07, 2026**

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