



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

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+ **FAO 272/2024**

MEV UMRFARUK & ANR.Appellant
Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates
versus

UNION OF INDIARespondent
Through: Ms. Ritu Reniwal, SPC with Mr.
Gaurav Kumar, Advocate

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 31.01.2024, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA (Ilu) No. 180/2023 titled as "*Mev Umrfaruk & Anr. vs. Union of India*".
2. Vide the impugned judgment, the Tribunal dismissed the claim application primarily on the ground that the deceased was not a *bona fide* passenger, despite holding that the incident in question constituted as an "untoward incident" within the meaning of Section 123 (c) of 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 14.06.2022, one *Mohd. Fahad Mev* (hereinafter referred to as the “deceased”) had accompanied his brother, sister, brother-in-law and cousin to *Alwar* Railway Station, from where they were travelling to *Ahmedabad* by Train No. 12916 (*Ashram* Express). It is stated that while on the way to the railway station, the deceased expressed his intention to travel to along with them and accordingly, after reaching *Alwar* Railway Station, a second class journey ticket was purchased. Thereafter, after helping his relatives board the reserved coach, while the deceased was attempting to board the general compartment of the train, the train started moving, owing to which he lost balance and accidentally fell between the platform and the train compartment, resulting in fatal injuries and instantaneous death.

4. Learned counsel for the appellants assails the impugned judgment by contending that the Learned Tribunal has erred in dismissing the claim application despite having already returned a categorical finding that the death of the deceased occurred in an “untoward incident” within the meaning of Section 123(c) of the Act. It is submitted that the finding regarding absence of *bona fide* travel is based merely on non-recovery of the railway ticket from the body of the deceased and on conjectural conclusions drawn in the DRM report. It is further submitted that the contemporaneous official record and statements recorded during investigation clearly establish that the deceased met with the said accident while boarding the train. The oral testimonies of AW-1, *Mev Umar Farukh* and AW-2, *Abdul Qadir* sufficiently establish that the deceased was travelling along with them after purchasing a valid railway ticket which got lost during the accident.

5. *Per contra*, learned counsel appearing on behalf of the respondent supports the impugned judgment and contends that no railway ticket was



recovered from the body of the deceased and therefore the deceased cannot be treated as a *bona fide* passenger. It is further submitted that as per the DRM report, there are inconsistencies in the statement of AW-2 and therefore the Tribunal rightly rejected the claim application.

6. This Court has heard learned counsel for the parties and perused the material available on record.

7. At the outset, it may be noted that the Learned Tribunal has already returned a categorical finding that the death of the deceased occurred in an “untoward incident” within the meaning of the Act. The said finding was returned after considering the contemporaneous official record including the Station Master memo, *Naksha Moka*, statements of railway officials and the evidence led by the parties. The Tribunal specifically held that the deceased fell from the train while boarding the train at *Alwar* Railway Station and further held that negligence on the part of the victim would not disentitle the claimants from compensation, which was in view of the judgment of the Hon’ble Supreme Court in *Union of India v. Rina Devi*¹. The said finding regarding occurrence of an untoward incident has not been challenged by the respondent and has therefore attained finality.

8. The controversy in the present appeal is thus confined only to the issue as to whether the deceased was a *bona fide* passenger at the time of the incident.

9. The learned Tribunal has rejected the claim primarily on the ground that no railway ticket was recovered from the body of the deceased at the spot and that there were inconsistencies in the testimony of AW-2, *Abdul Qadir*. However, the said finding cannot be sustained in view of the material

¹ (2019) 3 SCC 572



available on record.

10. A perusal of the record shows that the railway journey particulars of the co-passengers travelling along with the deceased stood duly verified by the Railway Authorities themselves. The Ticket Verification Report specifically verifies PNR No. 2442896404 for journey dated 14.06.2022 from *Alwar* to *Ahmedabad* by Train No. 12916 *Ashram* Express. The said verification report records Coach No. D-4 (Second class) and Seat Nos. 83, 84, 86 and 87 in the names of *Mev Saifur Rehma*, *Abdul Qadir*, *Mo. Zaid Mev* and *Mev Atiya*. The DRM report itself also acknowledges and refers to the said verified journey particulars. The contemporaneous official record also fully supports the case of the appellants regarding railway travel. The Station Master memo specifically records that while Train No. 12916 was departing from *Alwar* Railway Station, one person fell from the train and sustained grievous injuries.

11. Furthermore, AW-2, *Abdul Qadir*, who was travelling along with the deceased, categorically deposed that the deceased had purchased a railway ticket in his presence and while boarding the train amidst rush and crowd, accidentally slipped and fell from the moving train. The said witness consistently maintained that the deceased was travelling along with the family members and that the railway ticket got lost during the accident. Nothing material emerged in his cross-examination so as to discredit the core version regarding railway travel and accidental fall from the train. Similarly, AW-1, *Mev Umar Farukh*, father of the deceased, specifically deposed that the deceased was travelling along with *Abdul Qadir* and other relatives after purchasing a valid railway ticket and that the ticket was lost during the accident. The testimony of AW-1 also remained unshaken and



materially corroborated the version put forth by AW-2.

12. The Supreme Court in *Rina Devi* (supra) has categorically held that mere absence or non-recovery of ticket does not negate the status of *bona fide* travel. In the present case, the oral testimonies of AW-1 and AW-2, coupled with the verified railway journey particulars and contemporaneous official record, sufficiently establish the foundational facts regarding railway travel, thereby shifting the burden upon the Railways, which remains wholly undischarged.

13. The Learned Tribunal further failed to appreciate that minor discrepancies in the statement of AW-2, *Abdul Qadir*, regarding peripheral aspects of the incident could not have been treated as fatal to the claim. It is well settled that minor inconsistencies are bound to occur in statements relating to traumatic incidents and the same cannot override consistent contemporaneous documentary evidence establishing railway travel and accidental fall from the train.

14. It is also well settled that accidental fall while boarding or disembarking a train squarely falls within the ambit of an “untoward incident” under Section 123(c) of the Act. Similarly, in *Rina Devi* (supra), it was held that death or injury resulting while boarding/disembarking a train would come under “untoward incident” and shall not disentitle a claimant from compensation under Section 124-A of the Act.

15. In view of the aforesaid discussion, this Court is of the considered opinion that the appellants successfully established that the deceased was a *bona fide* passenger travelling in Train No. 12916 (*Ashram Express*) from *Alwar* to *Ahmedabad* and that the findings returned by the Learned Tribunal to the contrary are unsustainable and liable to be set aside.



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16. Accordingly, the impugned judgment dated 31.01.2024 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 15.05.2026.

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

MAY 07, 2026

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