



2026:DHC:7616



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

% Reserved on : 20.08.2026
Pronounced on : 07.09.2026
Uploaded on : 07.09.2026

CNR No. DLHC010607662025

+ **FAO 234/2025**

MONIKA & ORS.

.....Appellants

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

Versus

UNION OF INDIA

.....Respondent

Through: Mr. Vikrant Niles Goyal,
Ms. Laavanya Kaushik and
Mr. Inderpeet Singh, Advocates,
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 judgment dated 20.05.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/187/2024.

2. Briefly stated, one Sh. *Mohit Sharma* (hereinafter referred to as the "deceased") was a regular traveller between *Meerut City* and New



Ghaziabad and was holding a valid MST, valid from 26.09.2023 to 25.10.2023. It was pleaded that on 27.09.2023, after finishing work, he along with his co-passenger, Sh. Vishal Sharma, reached New *Ghaziabad* Railway Station and was waiting at Platform No. 1 for *Shalimar* Express. When Train No. 18477 *Kalinga Utkal* Express arrived/passed the platform at slow speed, there was commotion and people started saying that *Shalimar* Express had come. The deceased, standing a few coaches behind, tried to board the moving train amid the rush, slipped, came between the train and the platform, and died on the spot due to serious injuries. It was further averred that the MST was recovered during *jamatalashi*.

3. Learned counsel for the appellants contended that the deceased was a *bona fide* passenger and that recovery of the valid MST during *jamatalashi*, coupled with the affidavits of the widow and the eye-witness co-passenger, discharged the initial burden. Reliance in this regard was placed on the decision of the Supreme Court in “Union of India v. Rina Devi¹”. It was further submitted that the deceased had accidentally fallen while attempting to board the train and, therefore, the incident constituted an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the respondent, on the other hand, submitted that the appellants had failed to establish that the deceased was travelling as a *bona fide* passenger of the train in question. It was submitted that Train No. 18477 *Kalinga Utkal* Express has no

¹(2019) 3 SCC 572



scheduled stoppage at New *Ghaziabad* and that the contemporaneous records, including the Station Master's memo, *roznamcha*, *panchnama* and post-mortem report, indicate that the body of the deceased came in the grip of / was cut by the train rather than that he fell while boarding. It was further submitted that the versions of the alleged eye-witness were contradictory and the narrative of mistaking the train and falling while boarding appeared to be an afterthought.

5. It is, though, well settled that mere non-recovery of a journey ticket cannot, by itself, be treated as conclusive against the claimant and that the initial burden of establishing that the deceased was travelling as a *bona fide* passenger must be discharged from the evidence and attending circumstances, however, in this case, the burden cast upon the appellants is not discharged. The decision in *Rina Devi* (supra), relied upon by learned counsel for the appellants, cannot be read as dispensing with the requirement of establishing that the deceased was a *bona fide* passenger.

6. A perusal of the record would show that the MST recovered from the deceased was valid for the relevant period and route, however, the said recovery, by itself, does not establish that the deceased was travelling in the train in question at the time of the alleged incident. Pertinently, AW-2/ Sh. *Vishal Sharma*, the co-passenger of the deceased, though examined, gave materially differing versions, as in his application to the police and in the *panchnama* he stated that the deceased died after coming in the grip of the train whereas in the subsequent statements before the Tribunal he introduced the version of an attempt to board amid rush where the deceased mistook this train



with *Shalimar* Express. It is also significant to note that AW-2 was himself one of the *panchas* to the *panchnama*, which does not record any attempt of boarding or deboarding by the deceased. These contradictions, in the opinion of this Court, seriously impair the reliability of his testimony.

7. Coming to the manner of the occurrence of the alleged incident, it is noted that the first information recorded by the Station Master and the entries in the *roznamcha* record that a person had come into contact with Train No. 18477, while the *roznamcha* also records that the body was lying between the platform and the track and also records the version furnished at the spot that the deceased was walking on the track, with earphones plugged in, when the train came from behind and hit him. Additionally, it is AW-2's own admission in the cross-examination which establishes that both he and the deceased were aware that *Kalinga Utkal* Express "does not" stop at New *Ghaziabad* station and that they ordinarily travelled by *Shalimar* Express. The narrative that the deceased mistook *Kalinga Utkal* Express for *Shalimar* Express and attempted to board amid rush was introduced subsequently and stands contradicted by the earliest versions recorded on the date of the incident. In these circumstances, particularly when the contemporaneous documents point to the body having come in the grip of the train, the pleaded case of an accidental fall from a passenger-carrying train cannot be accepted.

8. On an overall conspectus of the evidence on record, this Court finds that the appellant has failed to establish the foundational requirement of being a *bonafide* passenger and that the death resulted



2026:DHC:7616



from an accidental fall from a passenger train so as to constitute an “untoward incident” within the meaning of the Act.

9. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the contentions raised by the appellants and hence, there is no reason to interfere with the impugned order.

10. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 07, 2026

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