



2026:DHC:2946



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

% Reserved on : 07.04.2026
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+ **FAO 143/2025**

CHOTI BETI

.....Appellant

Through: Ms. Ananya Mago, Mr. Kshitiz Jain
and Mr. Rohan Chandra, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. PS Singh, CGSC with Ms.
Shivangi Sharma and Mr. Rajneesh
Sharma, 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 31.01.2025, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/DLI/107/2021.
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants 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 16.04.2012, the son of the appellant, *Manoj Kumar Srivastava* (hereinafter referred to as the “deceased”), was travelling from *Farrukhabad* to *Dariyaganj* by *Lucknow-Kasganj* Passenger Train, on the strength of a valid second-class ticket, and while undertaking the said journey, he fell from the running train between *Bhatasa* and *Kaimganj* Railway Stations, as a result of which he sustained grievous injuries and died on spot.

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 a running train. It is submitted that although the journey ticket was not recovered during the *panchnama*, the same was subsequently produced on record. Learned counsel further submits that the *panchnama* and the post-mortem report clearly support the case of an accidental fall from a train, and even the DRM report records the same. It is further contended that the respondent neither verified the ticket, nor led any evidence to discredit the same, and therefore, the rejection of the claim is unsustainable.

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 ticket was recovered from the person of the deceased. It is further submitted that there is no eyewitness to the alleged incident, and no information about the alleged incident was given by the guard or driver of any train. It is contended that the case does not fall within the ambit of an “untoward incident” under the Act, and the Tribunal has rightly dismissed the claim.



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 issues that arise for consideration are that, whether the deceased was a *bona fide* passenger and whether the incident in question falls within the ambit of an “untoward incident” as defined under the Act.

8. Coming first to the manner of occurrence, the contemporaneous evidence on record lends consistent support to the case of the appellant. The *panchnama* dated 16.04.2012, records that the dead body of the deceased was found lying on the railway track between *Bhatasa* and *Kaimganj* stations with severe mutilating injuries, including amputation of limbs. In the opinion of the *panchas*, which has also been concurred with by the Sub-Inspector, the death occurred due to the deceased being cut after falling from a train. The GD entry dated 16.04.2012, being the earliest record of the incident, also reflects that information regarding a railway accident involving the deceased was received in close proximity to the time of occurrence. The evidentiary value of such contemporaneous entry lies in its spontaneity and proximity to the incident. The post-mortem report further attributes the cause of death to shock and haemorrhage resulting from ante-mortem injuries, which are consistent with a railway accident involving a fall from a moving train.

9. Notably, even the material forming part of the DRM report does not displace the aforesaid position. The statements recorded therein, including those of the mother and brother of the deceased, indicate that the deceased had fallen from a train while travelling from *Farrukhabad* to *Dariyaganj*. The place of occurrence is also consistently recorded as between *Bhatasa*



and *Kaimganj* stations. The absence of any eyewitness has been noted in the said report; however, the conclusion drawn therein, to the effect that the deceased had come under the train otherwise than during the course of travel, is not supported by any direct evidence and rests on conjecture. Such a finding is not borne out from the record and overlooks material evidence indicative of a fall from a train.. The approach of the Tribunal, therefore, reflects an unwarranted reliance on conjecture in disregard of cogent and contemporaneous evidence on record.

10. Once it is established that the deceased was travelling by train and had fallen therefrom, the incident would squarely fall within the definition of an “untoward incident” under Section 123(c) of the Act. In “*Union of India v. Prabhakaran Vijaya Kumar*”¹, the Hon’ble Supreme Court has held that the liability under Section 124-A is strict in nature, and arises the moment an “untoward incident” is established. The said statutory provision leaves little room for considerations such as negligence or alternative theories in the absence of proof of any of the exceptions. In the present case, no such exception having been either pleaded, or established by the respondent, the liability of the Railways stands attracted, and the appellants are consequently entitled to compensation under the Act.

11. Insofar as the issue of *bona fide* travel is concerned, it is not in dispute that the journey ticket was not recovered from the person of the deceased during the inquest proceedings, and was subsequently produced.. However, it is settled as per the law laid down in “*Union of India v. Rina Devi*”², that mere non-recovery of a ticket from the person of the deceased cannot, by

¹(2008) 9 SCC 527

²(2019) 3 SCC 572



itself, be treated as conclusive to deny the status of a *bona fide* passenger. The initial burden on the claimant is only to place some material on record to indicate that the deceased was travelling by train, whereafter the onus shifts upon the Railways to disprove the same.

12. In the present case, the appellant has discharged the said initial burden. The claim application specifically records that the deceased was travelling from *Farrukhabad* to *Dariyaganj* on a valid second-class ticket. The said assertion is duly supported by the affidavit of AW-1, wherein it has been stated that the deceased had undertaken the said journey. Significantly, this version finds corroboration in the statements forming part of the DRM report, wherein it has been recorded that the ticket was recovered and handed over to the family. The consistency in the version of the appellant across the claim application, affidavit, lends credibility to the case set up by the appellant.

13. Merely because the ticket was produced subsequently cannot lead to an inference that the deceased was not a *bona fide* passenger. The subsequent production of the ticket, in the absence of any material to doubt its authenticity, cannot be discarded solely on the ground that it was not found at the time of inquest proceedings. It is not uncommon, in cases of railway accidents involving severe injuries and mutilation of the body, that personal belongings are displaced or not immediately recovered. The surrounding circumstances, including the consistent version of travel and the nature of the incident, assume greater significance in such situations and cannot be disregarded on mere technical grounds.



14. Furthermore, it has been reiterated in “*Doli Rani Saha vs. Union of India*”³, that once the claimant discharges the initial burden by placing on record material indicating that the deceased was travelling by train, the onus shifts upon the Railways to rebut the same by leading cogent evidence. In the present case, apart from raising a bald plea that the deceased was not a *bona fide* passenger, the respondent has neither verified the ticket nor conducted any inquiry to test its authenticity. No material has been placed on record to discredit the consistent version emerging from the claim application, the affidavit of AW-1, and the statements forming part of the DRM record. The burden having thus shifted, and not having been discharged by the respondent, the presumption in favour of *bona fide* travel remains unrebutted.

15. 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 27.04.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

APRIL 8, 2026

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³(2024) 9 SCC 656