



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

% Reserved on : 04.05.2026
Pronounced on : 08.05.2026
Uploaded on : 08.05.2026

+ **FAO 336/2022**

LAKSHAMI BAIAppellant

Through: Mr. Ritik Singh, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Manish Kumar, SPC with Mr.
Rudra Paliwal, 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 15.07.2022, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/08/2021.
2. Vide the impugned judgment, the learned Tribunal, while categorically holding the deceased to be a *bona fide* passenger travelling on a valid railway journey ticket, dismissed the claim application primarily on the ground that the appellant failed to establish that the death of the deceased occurred in 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 borne out from the claim application, are



that on 27.02.2020, one *Umesh Raj Sahagal* (hereinafter referred to as the “deceased”) was travelling from *Bijwasan* to *Pataudi* Road on the strength of a valid journey ticket. During the course of the said railway journey, the deceased met with a railway accident between *Pataudi* Road and *Jataula* Railway Stations, resulting in fatal injuries and consequent death.

4. Learned counsel for the appellants submits that the learned Tribunal has failed to appreciate the contemporaneous official record in its correct perspective and has returned findings contrary to the material available on record. It is submitted that the recovery and verification of the railway ticket already stood proved and the Tribunal itself has returned a finding that the deceased was a *bona fide* passenger. It is further submitted that the entire contemporaneous record including the Station Master memo, inquest report/*jamatalashi* proceedings, post-mortem report, cumulatively establishes that the deceased died in a railway track accident during the course of railway travel and there exists no material whatsoever to bring the case within any of the statutory exceptions contained in the proviso to Section 124-A of the Act.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that there is no eyewitness to the alleged accidental fall and no direct evidence to conclusively establish the precise manner in which the deceased came into contact with the train. It is further submitted that the learned Tribunal rightly dismissed the claim application.

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

7. At the outset, it is pertinent to note that the issue regarding the deceased being a *bona fide* passenger already stands concluded in favour of



the appellants. The learned Tribunal itself has returned a categorical finding that the deceased was travelling on the strength of a valid railway ticket and accordingly the only issue which survives for consideration in the present appeal is whether the death of the deceased occurred in an “untoward incident” within the meaning of the Act.

8. The contemporaneous official record placed on record does not support the conclusion drawn by the learned Tribunal. The earliest version of the occurrence emerges from the Station Master/SS memo dated 27.02.2020, wherein it was specifically recorded that information had been received from on-duty gateman *Sunil Kumar* that one dead body was lying near KM No. 60/25-27 and necessary action was required to be taken regarding the same. The said information was recorded in the normal course of railway functioning immediately upon detection of the incident and there is nothing on record to suggest that the same was fabricated or subsequently embellished. Pursuant thereto, the information was transmitted to GRP and RPF authorities and memo proceedings were initiated. Similarly, the statement of gateman *Sunil Kumar* clearly records that after Train No. 19264 crossed Gate No. 46-C, some persons informed him regarding a dead body lying near the railway track and thereafter the information was relayed to the Station Master. Significantly, neither the Station Master nor the gateman stated anywhere that the deceased was crossing the railway line, walking on the railway track or trespassing over railway property.

9. The inquest report specifically records that the death occurred due to “railway track accident”. The SHO opinion recorded in the same proceedings further states that in his opinion the cause of death of the deceased was due to railway track accident and “none is to be blamed”.



Thus, in the present case, the inquest proceedings itself unequivocally establish that the death occurred in a railway accident and there was no material suggestive of suicide, self-inflicted injury or criminal act.

10. The *jamatalashi* proceedings further record recovery of one Vivo mobile phone, cash amount and railway journey ticket bearing No. UAD-51640285 from the person of the deceased. The said ticket was subsequently verified by the railway authorities and the verification report specifically records that the said ticket had been issued on 27.02.2020 at *Bijwasan* for travel to *Pataudi* Road.

11. The learned Tribunal has however proceeded to reject the claim primarily on the ground that there was no eyewitness to the alleged accidental fall and that the DRM/RPF reports did not conclusively establish the same. It is well settled that in railway accident cases, direct eyewitness testimony is often unavailable and the occurrence is required to be inferred from surrounding circumstances and contemporaneous official record. Absence of direct evidence cannot therefore be treated as determinative so as to defeat a beneficial legislation enacted for payment of compensation in cases of railway accidents.

12. The DRM report itself records that the deceased was found dead at KM No. 60/25-27 between PTRD and JSKA Railway Stations; that valid railway ticket bearing No. UAD-51640285 was recovered and verified; that the body was detected after passage of Train No. 19264; and that no eyewitness regarding the exact manner of occurrence was available. The final conclusion recorded in the DRM report itself states that it could not be clearly established as to how exactly the incident occurred. It neither records that the deceased was crossing the railway line nor attributes the death to



suicide, intoxication, criminal act or intentional trespass. Similarly, the RPF investigation merely records statements of loco pilots, guards and railway officials stating that no unusual incident was noticed during train operation. However, mere absence of notice by the crew cannot by itself negate the occurrence of an accidental fall, particularly where the deceased was later found dead near the railway tracks immediately after train movement.

13. The learned Tribunal further failed to appreciate that the burden upon the claimants under Section 124-A of the Act is only to establish foundational facts on the touchstone of preponderance of probabilities and not proof beyond reasonable doubt.

14. In this regard, it is apposite to refer to the judgment of the Supreme Court in Union of India v. Rina Devi¹, wherein it was held as under:

“Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.”

15. In the present case, not only the initial burden stood discharged, but there exists unimpeached documentary evidence in the form of ticket recovery, ticket verification, official memo proceedings, inquest report and medical opinion, all supporting the case of the appellants.

16. Further, in Union of India v. Prabhakaran Vijaya Kumar & Ors.², it was held that the provisions relating to compensation under Section 124-A are required to receive liberal and beneficial interpretation and once an “untoward incident” is established, the liability of the Railways becomes

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527



strict unless the case falls within any statutory exceptions. In the present case, there is absolutely no material available on record to bring the case within any statutory exception. The Railways have failed to establish suicide, self-inflicted injury, intoxication, insanity, criminal act or intentional trespass.

17. This Court is, therefore, of the considered opinion that the death of the deceased occurred in the course of a railway accident and squarely falls within the definition of an “untoward incident” under Section 123(c) read with Section 124-A of the Railways Act, 1989.

18. Accordingly, the impugned judgment dated 15.07.2022 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 18.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 08, 2026

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