



2026:DHC:7672



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

% Reserved on : 31.08.2026
Pronounced on : 08.09.2026
Uploaded on : 08.09.2026

+ **FAO 30/2020**

SAVITA KATARIA & ORS.Appellants

Through: Mr. Yogesh Swaroop, Mr. Alok Kumar, Ms. Shivangi Singh and Ms. Bhawna Tandon, Advocates

versus

UNION OF INDIARespondent

Through: Mr. Jivesh Kr. Tiwari (CGSC) with Mr. Kamaldeep and Ms. Nandini Aggarwal, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 2082/2020 (seeking condonation of delay of 59 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 59 days in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 59 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

**FAO 30/2020**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 20.08.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in O.A. No. OA(IIu) 4/2019, whereby the claim application filed by the appellant seeking compensation on account of the death of her husband came to be dismissed.
2. The appellants are the widow and minor children of one Sh. *Kamal Kishore Kataria* (hereinafter referred to as the “deceased”). The case of the appellants is that on 31.03.2018, the *deceased* was travelling from *Delhi* towards *Ghaziabad* by train. When the train reached *AnandVihar* Railway Station, he accidentally fell from the train and sustained fatal injuries. His dead body was subsequently found near the railway track at Old *Anand Vihar* Railway Station towards the *Ghaziabad* side.
3. Learned counsel for the appellants submits that the Tribunal erred in treating non-recovery of the railway ticket as conclusive against the appellants. It is submitted that the deceased’s journey and loss of the ticket were specifically stated on oath by the appellant. It is further submitted that the contemporaneous police record, including DD No.14A, the subsequent DD entry, the Station Master memo and the seizure memo, records the occurrence as a train accident. Reliance has been placed on “*Union of India v. Rina Devi*”¹ and “*Lata v. Union of India*”².
4. Learned counsel for the respondent refuted the aforesaid

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



submission and contended that the deceased was not found in possession of any journey ticket or travel authority and the appellant admittedly did not witness the deceased boarding, de-boarding or falling from any train. It is also submitted that the train involved in the incident was never identified and, therefore, the finding sought by the appellants is of no stand.

5. At the outset, the absence of a journey ticket cannot, by itself, conclude the issue against the appellants. In Rina Devi(supra), the Supreme Court held that the initial burden on the claimant is not an unduly onerous one and can be discharged by placing the relevant facts and circumstances on record, whereafter the burden shifts to the Railways. The same position has subsequently been reiterated in Lata (supra).

6. In the present case, the appellant, in her affidavit before the Tribunal, categorically stated that the deceased was travelling from *Delhi* to *Ghaziabad* after boarding a train and that the ticket and other articles were lost in the accident. Her statement cannot be rejected merely because she was not accompanying the deceased. More importantly, the respondent failed to rebut the aforesaid. Its case solely rested on the non-recovery of the ticket and the DRM report. The deceased was, therefore, required to be treated as a *bona fide* passenger for the purposes of the claim.

7. Insofar as the occurrence of an “untoward incident” is concerned, the Tribunal appears to have proceeded principally on the premise that since there was no proof of purchase of any journey ticket and the deceased was found lying near the railway track, it could not be inferred



that he had accidentally fallen from a train. In the considered opinion of this Court, such an approach places an unduly onerous burden upon the claimants.

8. The DD entry bearing No.14A dated 31.03.2018 records information regarding a person having died in an accident at *Anand Vihar* Railway Station and the seizure memo prepared during the investigation also records that the articles were recovered from the deceased found at the said location “in train accident”. A claim arising out of an accidental fall from a train would, by its very nature, often arise in circumstances where no eyewitness is available. The manner of occurrence, therefore, has to be gathered from the attending circumstances and the contemporaneous material available on record. In the present case, the material on record consistently points towards the death having occurred in a train accident and nothing on record suggests any circumstance to the contrary.

9. Pertinently, there is no material to suggest that the deceased had deliberately entered upon the railway track, attempted to commit suicide or suffered a self-inflicted injury. In the absence of any such material, the claim could not have been rejected merely because the precise train from which the deceased fell or the exact manner of his fall could not be established.

10. It is well settled that the provisions relating to compensation under the Act constitute beneficial legislation and Section 124-A embodies the principle of strict liability, subject to the exceptions expressly provided therein. The expression “accidental falling of any passenger from a train carrying passengers” occurring in Section 123(c)(2) cannot, therefore, be



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construed in a manner which would require the claimants to prove the occurrence with the degree of precision ordinarily expected in adversarial proceedings concerning fault or negligence.

11. In view of the aforesaid, the conclusion of the Tribunal that the case of an accidental fall was based merely on conjecture cannot be sustained. Rather, it is the rejection of the claim, despite the attending circumstances and in the absence of any material attracting an exception under Section 124-A, which rests on an inference unsupported by the record.

12. Accordingly, 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 appellants 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 25.09.2026.

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

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

MANOJ KUMAR OHRI
(JUDGE)

SEPTEMBER 08, 2026

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