



2026:DHC:8941



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

% Reserved on : 17.09.2026
Pronounced on : 08.10.2026
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+ **FAO 190/2025**

SABIR & ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: None.

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 20.03.2024 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/297/2023.
2. None has appeared for the respondent. With the assistance of learned counsel for the appellant, this Court has perused the claim application, the documents including the DRM Report, and the other material available on the record. The matter is accordingly proceeded with for adjudication.
3. Briefly stated, the case of the appellants is that on 09.03.2023,



2026:DHC:8941



Smt. *Sahana* (hereinafter referred to as the “deceased”) was travelling from *Amroha* to *Delhi* Junction after purchasing a railway ticket bearing No. UAG-19981218. The journey was stated to have been undertaken by Train No. 15036 (*Sampark Kranti* Express). The original claim application mentioned Train No. 15127 (*Kashi Vishwanath* Express), however, the said train number was subsequently corrected to Train No. 15036 by an amendment application, which was allowed by the Tribunal. The appellants’ case is that during the course of the said travel, the deceased accidentally fell from the moving train on account of a jerk and jolt and sustained fatal injuries and died as a result thereof.

4. The Tribunal framed, inter alia, the issues as to whether the deceased was a *bona fide* passenger in the train in question and whether the incident constituted an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

5. Learned counsel for the appellants contended that the journey ticket bearing No. UAG-19981218, was recovered from the person of the deceased and was duly verified. It was argued that the recovery and verification of the ticket, coupled with the affidavit and testimony of AW-1, were sufficient to discharge the initial burden regarding the deceased’s *bona fide* passenger status. Learned counsel further submitted that the Tribunal placed undue reliance on the fact that the body was found in two pieces on the Down line, although there was no eyewitness to establish that the deceased had entered the railway track or had been run over by an unidentified train.



2026:DHC:8941



6. Learned counsel for the respondent, on the other hand, while defending the impugned judgment, submitted that the body of the deceased was found cut into two pieces, whereas the ticket recovered from her was for travel from *Amroha* to *Delhi*, i.e. in the Up direction. It was further contended that, according to the TSR, Train No. 15036 had passed *Sahibabad* on the Up line at about 15:05 hours, whereas the Station Master Memo was issued only at 16:40 hours. It was argued that the deceased's body being found on the opposite line, coupled with the nature of the injuries and the time gap, rendered the alleged fall from Train No.15036 doubtful. Reliance was also placed on the statement of the Loco Pilot and the DRM Report to contend that no "untoward incident" had been reported in the *Sahibabad* section.

7. At the outset, insofar as the status of the deceased as a *bona fide* passenger is concerned, the mere fact that the exact manner in which the deceased undertook her journey cannot now be reconstructed does not, by itself, defeat the claim. In "*Union of India v. Rina Devi*"¹, the Supreme Court held that the initial burden upon the claimant is not an unduly onerous one and can be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by cogent evidence. The same principle has recently been reiterated in "*Lata v. Union of India*"².

In the present case, the material available on record goes beyond a mere assertion by the appellants. A railway ticket bearing No. UAG-

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350



2026:DHC:8941



19981218 was recovered during the personal search of the deceased. The ticket was issued on 09.03.2023 at 12:28 hours and its particulars were verified during the railway inquiry. The initial burden was therefore discharged by the appellants by placing before the Tribunal the deceased's journey particulars, the recovered ticket and the evidence of AW-1. The fact that the body was ultimately found on the Down line is a circumstance which may require examination while considering the manner of the incident and it cannot, without more, nullify the effect of the ticket which was actually recovered from the deceased.

8. The recent decision of the Supreme Court in "Sukhabhai Nanjibhai Makwana & Anr. v. Union of India"³ is also apposite. In that decision too, the Supreme Court held that the initial burden could be discharged through the claimant's evidence and, once that burden stood discharged, it was for the Railways to rebut the same. The principle applies with greater force in the present case where the journey ticket was, in fact, recovered from the deceased and its particulars were verified.

9. The more substantial question is whether the death of the deceased can be treated as having resulted from an "untoward incident". The Tribunal principally proceeded on the basis that the deceased's body was found in two pieces, with one portion lying outside and the other portion lying within the Down line, whereas the ticket indicated travel in the Up direction. From these circumstances, the Tribunal proceeded to infer that the deceased must have either

³ 2026 INSC 1056



2026:DHC:8941



committed suicide or been run over while moving along or crossing the railway track. In doing so, however, the Tribunal proceeded from the condition in which the body was ultimately found to the manner in which the deceased must necessarily have met with the accident.

10. In the considered opinion of this Court, the fact that the body was found in two pieces is undoubtedly a relevant circumstance, but it does not by itself establish the sequence of events which resulted in the injuries. A passenger who falls from a moving train may thereafter come into contact with the railway track or the wheels of a passing train. The possibility that the deceased first fell from the train and thereafter suffered further injuries cannot be excluded merely from the condition in which the body was found. The same approach finds support in “*Hoti Lal & Anr. v. Union of India*”⁴. There too, the theory that the passenger had been run over could not be accepted merely from the circumstances in which the body was found, in the absence of direct evidence establishing that the deceased had entered the railway track or identifying the train responsible for the run-over. This Court has also previously held that the Tribunal is required to examine the entire sequence of circumstances rather than treating decapitation or mutilation of the body, by itself, as determinative of the manner of the accident.

The fact that the deceased was found on the Down line therefore establishes the place where her body was ultimately found, it does not establish the manner in which she reached there. The opinion recorded in the *panchnama* or the inference drawn from the nature of the

⁴ 2026 SCC OnLine Del 5816



2026:DHC:8941



injuries cannot substitute for evidence regarding the actual occurrence.

11. The time sequence relied upon by the Tribunal also does not bridge this evidentiary gap. The ticket was issued at 12:28 hours, the relevant train was shown in the TSR as having passed *Sahibabad* at about 15:05 hours and the Station Master Memo was issued at 16:40 hours. These circumstances may show that some time elapsed between the passage of the train and the discovery of the body, but they do not establish what happened during that interval. In particular, they do not establish that the deceased entered the track after travelling to *Sahibabad*, nor do they establish that she was run over by another train. The precise time and manner of the fall may not now be capable of reconstruction but that uncertainty cannot itself be converted into a finding that the deceased was a trespasser or that her death was self-inflicted.

12. Significantly, the statement of the Loco Pilot relied upon by the respondent forms part of the railway material and states that no “untoward incident” had occurred during his duty. This testimony at the highest proves that the said person did not witness any occurrence, but this does not constitute positive evidence of a voluntary entry by the deceased onto the track or of a run-over by another train. The absence of such evidence assumes significance when the entire case of the respondent, insofar as the manner of death is concerned, rests substantially on an inference drawn from the position and condition of the body.

13. The approach adopted by the Tribunal also does not accord with the nature of the liability contemplated under Section 124-A of the



2026:DHC:8941



Act. The statutory scheme is beneficial in nature and proceeds on the basis of strict liability, subject to the exceptions expressly contained therein. Thus, once the material on record makes out, on a preponderance of probabilities, that the deceased was travelling as a passenger and that her fatal injuries arose in the course of an accidental fall from the train, the claim cannot be defeated merely because the exact mechanics of the accident cannot be established with mathematical precision.

14. 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 30.11.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 08, 2026

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