



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

% Reserved on : 11.02.2026
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+ **FAO 300/2022**

POONAM & ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates
versus

UNION OF INDIARespondent
Through: Mr. P.S. Singh, CGSC for UOI with
Ms. Shivangi Sharma, Mr. Mritunjay
K. Singh and Ms. Prachi, 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, assailing the judgment dated 07.07.2022 passed by the Railway Claims Tribunal, Delhi, (hereinafter as the "Tribunal") in Case No. OA II(U)/84/2019, titled "Smt. Poonam & Ors. v. Union of India".
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants on the ground that the alleged incident did not amount to an "untoward incident" within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the "Act").
3. Briefly stated, the facts of the case, as set out in the claim application, are that on 23.04.2018, one *Navratan* (hereinafter referred to as the "deceased") had purchased a journey ticket bearing No. 05823105 for



travelling from *Ajaibpur* to *Aligarh*. It is the case of the appellants that while the deceased was attempting to board the train, there was heavy rush of passengers inside the compartment, as a result of which he was pushed and fell from the train, sustaining grievous injuries which proved fatal. Thereafter, the deceased was taken to the Government Hospital, District *Gautam Buddh Nagar*, where the post-mortem examination was conducted.

4. Learned counsel for the appellants contends that the Tribunal erred in declining to confer the status of a *bona fide* passenger upon the deceased on the ground that the alleged incident had occurred prior to the commencement of the train journey. It is contended that once the validity of the journey ticket produced by the appellants stood established, the initial burden cast upon the appellants to prove the *bona fide* status of the deceased stood discharged, and the mere inability of the deceased to complete the train journey cannot defeat the claim of the appellants. Learned counsel further contends that the incident in question squarely falls within the ambit of an “untoward incident”, inasmuch as the deceased had accidentally fallen from the train owing to a heavy rush inside the compartment. According to the appellants, the Tribunal’s conclusion that the death was caused due to a run-over is conjectural and unsupported by any evidence, as the mere fact that the body of the deceased was found on the up main line instead of the down line cannot lead to the conclusion that the deceased could not have fallen from the train. It is also contended that the timing of the alleged incident, as emerging from the record, is around 19:35 hrs, which broadly corresponds with the schedule of the train in question and lends credence to the appellants’ case that the death occurred due to an accidental fall from the train.



5. *Per contra*, learned counsel for the respondent supports the impugned judgment and contends that the alleged incident was caused due to the deceased being run over by a train, and not on account of an accidental fall. It is contended that the record reflects that the body of the deceased was found lying on the up main line, whereas the train in question had arrived at the down loop line, both of which are situated at a considerable distance from each other. Reliance is also placed upon the DRM report, which attributes the cause of death to the negligence of the deceased, stating that he was unauthorisedly crossing the railway tracks and was eventually run over by a train.

6. This Court has heard arguments of both the parties and perused the material on record.

7. In backdrop of the above facts, the main issues arising for consideration before this Court are, whether the deceased was a *bona fide* passenger and whether the alleged incident was an “untoward incident” as defined under the Act.

8. It remains undisputed that a journey ticket bearing No. 05823105 was recovered during *jamatalashi*, which was subsequently verified in the DRM as having been issued at 19:21 hrs at *Ajaibpur* Railway Station on the date of the incident. The record further reflects that the deceased intended to travel by Train No. 64114 EMU, which arrives at the said station at 19:34 hrs and departs at 19:35 hrs, thereby lending credence to the validity of the ticket produced. The impugned judgment also notes this position. When these circumstances are considered cumulatively, the foundational facts necessary to establish the *bona fide* passenger status of the deceased stand proved and the initial burden cast upon the appellants stands discharged.



Once the possession of a valid journey ticket is established, a presumption arises that the victim was a *bona fide* passenger, unless the Railways are able to rebut the same by leading cogent evidence to the contrary.

9. The Tribunal, however, observed that since the deceased had died at *Ajaibpur* Railway Station prior to commencement of the journey, he could not be treated as a *bona fide* passenger. In the opinion of this Court, such reasoning cannot be sustained. Section 124-A of the Act contemplates compensation in cases where victims of untoward incidents are travelling or intending to travel on the strength of a valid ticket. The mere fact that the incident occurred prior to the formal commencement of the journey does not take the deceased out of the ambit of a *bona fide* passenger, particularly when he was in possession of a valid ticket and had claimed to have boarded the train in question. In the absence of any reliable evidence produced by the respondent to disprove the validity of the ticket or the intention of the deceased to travel, the Tribunal's conclusion that the deceased could not be treated as a *bona fide* passenger cannot be sustained.

10. Insofar as the issue whether the alleged incident amounts to an "untoward incident" is concerned, the Tribunal concluded that the deceased could not have fallen from the train on three grounds. Firstly, it observed that the body of the deceased was found on the up main line, whereas the concerned train had arrived at the down loop line. Secondly, it noted a discrepancy between the reported time of the alleged incident and the departure time of the train. Thirdly, it concluded that the accident was in fact a run-over by Train No. 02365.

11. Upon a reappraisal of the evidence on record, this Court finds that the aforesaid conclusions are not borne out by the material placed before the



Tribunal. A perusal of the site plan placed on record shows that it merely depicts the layout of *Ajaibpur* Railway Station, indicating four railway tracks, and does not indicate the precise location where the body of the deceased was found. The site plan itself is also undated. In such circumstances, the tracing of the body on the up main line cannot be said to have been conclusively established. Even otherwise, the mere location of the body near a particular railway track, in the absence of clear evidence regarding the precise point of impact, does not by itself rule out the possibility of an accidental fall from the train, nor does it conclusively establish that the death occurred due to a run-over. In this regard, gainful reliance may be placed on the decision of this Court in *Maya Devi v. Union of India*¹, wherein it was observed that the mere fact that the body of the deceased was found at some distance from the railway track cannot, by itself, lead to the conclusion that the victim had not fallen from the train.

The relevant extract is herein below:

“6. The other conclusion of the Tribunal that since the body was lying towards the down track and hence there was no train travel is equally fallacious. Firstly, the Tribunal cannot conclude that merely because the dead body was recovered in the field 6-7 meters away from the down track adjacent to the up-track in which the deceased was travelling, this case will not be a case of a fall from the train. It is very much possible that after falling down from the train, the deceased had that much amount of life and strength to move himself for a few meter before completely collapsing. Merely because the body is found 6-7 meters away from the track cannot mean that the deceased was not travelling on the train. This conclusion of the Tribunal is also therefore quite clearly erroneous and is hence set aside.”

12. As regards the alleged discrepancy with respect to the timing of the incident, the Tribunal was of the view that the occurrence must have

¹ 2014 SCC OnLine Del 3203



preceded 19:35 hrs, i.e., the departure time of the train in question, since the Station Master Memo records receipt of information regarding the incident at 19:35 hrs. The Tribunal also relied upon the statement of one *Pali*, the uncle of the deceased, who stated that he had received information about the incident at around 19:30 hrs. This Court is unable to concur with the said reasoning. Notably, Train No. 02365, as per the record, passed *Ajaibpur* Railway Station at about 19:32 hrs, which itself post-dates the alleged intimation at 19:30 hrs. Further, although the Station Master Memo records receipt of information at 19:35 hrs, it also reflects that the information regarding the incident was conveyed to GRP *Dankaur* only at 20:20 hrs. In the absence of any explanation for this time gap, the precision of the timeline relied upon by the Tribunal becomes doubtful.

13. Pertinently, the site plan reflects that KM 1406/16, where the body of the deceased was allegedly located, lies in front of the platform of *Ajaibpur* Railway Station and in close proximity to the Station Building and the Station Master's room. In such circumstances, the possibility of the deceased having fallen from the train and the incident being recorded around 19:35 hrs cannot be ruled out. On an overall conspectus of the material on record, this Court is of the view that the broad timeline emerging from the sequence of events does not rule out the possibility of an accidental fall from the train. To insist upon a hyper-technical matching of timings in such circumstances would amount to adopting an unduly rigid standard of proof, which is contrary to the beneficial nature of the legislation governing compensation for railway accidents.

14. More importantly, no direct evidence has been produced to substantiate the theory of a run-over. Neither the loco pilot nor the guard of



Train No. 02365 was examined before the Tribunal, nor has any documentary evidence been placed on record to support such a conclusion. The inference of a run-over drawn by the Tribunal is therefore devoid of any evidentiary basis and appears to be founded largely on surmises and conjectures. A perusal of the post-mortem report reflects multiple lacerations and abrasions sustained by the deceased. The Tribunal, despite noting the nature and gravity of these injuries, concluded that they were more indicative of a run-over than an accidental fall. Such an inference is speculative and unsupported by any medical opinion on record.

15. It is well settled that Section 124-A of the Railways Act embodies a beneficial statutory scheme and must therefore be construed in a liberal manner. The Supreme Court has repeatedly held that the provisions governing compensation for railway accidents must receive a purposive interpretation so as to advance the object of providing relief to victims of railway accidents, rather than being defeated by hyper-technical objections. In Union of India v. Prabhakaran Vijaya Kumar², the Supreme Court held that once the occurrence of an “untoward incident” is established and the case does not fall within any of the statutory exceptions, the liability of the Railways under Section 124-A is strict. In the present case, the respondent has failed to establish that the death of the deceased falls within any of the exceptions carved out under the proviso to Section 124-A of the Act.

Considering the foregoing discussion, this Court is of the view that the Tribunal, in the present case, adopted an unduly rigid standard of proof, overlooking the beneficial object of the Act and the settled principle that

² (2008) 9 SCC 527



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proceedings thereunder are intended to provide prompt and efficacious relief to the victims of railway accidents.

16. 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 four weeks from the receipt of a copy of this order.

17. For this purpose, the matter be listed before the Tribunal at the first instance on 23.03.2026.

18. Accordingly, the present appeal is allowed and disposed of in the above terms.

19. A copy of this judgment be communicated to the concerned Tribunal.

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 12, 2026