



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

% Reserved on : 07.05.2026
Pronounced on : 12.05.2026
Uploaded on : 12.05.2026

+ **FAO 154/2017**

ROHNAK JAHAN & ORS.Appellants

Through: Mr. Yogesh Swaroop, Mr. D.
Endlow, Ms. Shivangi Singh,
Advocates

versus

UNION OF INDIARespondent

Through: Ms. Arunima Dwivedi, CGSC for
UOI with Ms. Swati J., Ms. Himanshi
Singh and Ms. Monalisha Pradhan,
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 20.12.2016, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/240/2015.
2. Vide the impugned judgment, the Tribunal dismissed the claim application primarily on the ground that though the death of the deceased fell within the ambit of an "untoward incident", the appellants failed to establish that he was a *bona fide* passenger within the meaning of the Railways Act,



1989 (hereinafter referred to as the “Act”).

3. The case set up by the appellants before the Tribunal was that on 06.08.2015, one *Ashraf Ali* (hereinafter referred to as the “deceased”), along with his friend *Talib Hussain*, was returning from *Allahabad* to *Delhi* under a valid reserved ticket by the *Prayagraj Express Train*. It was alleged that after reaching *Ghaziabad*, the deceased proceeded further towards Old *Delhi* and during the course of the said journey, he accidentally fell from the train near *Vivek Vihar Railway Station*, resulting in fatal injuries and death.

4. The Tribunal, however, dismissed the claim petition primarily on the ground that no valid ticket for travel between *Ghaziabad* and *Delhi* was recovered from the person of the deceased and the DRM/RPF inquiry concluded that the deceased was crossing the railway line and was not travelling by train at the relevant time.

5. Learned counsel appearing on behalf of the appellants contends that the findings recorded by the Tribunal are contrary to the contemporaneous material available on record. It is submitted that the Tribunal selectively relied upon isolated portions of the DRM/RPF inquiry while completely ignoring the GRP proceedings, inquest papers, reservation records, PNR status and corroborative witness statements consistently establishing that the deceased had suffered a railway accident while undertaking the said railway journey. It is further contended that once the journey from *Allahabad* to *Ghaziabad* under a valid reserved ticket stood admitted and verified from railway records themselves, mere non-recovery of a subsequent journey ticket could not have been made basis to deny *bona fide* passenger status.

6. *Per contra*, learned counsel appearing for the respondent supports the impugned judgment and submits that no eyewitness to the occurrence was



produced and the inquiry proceedings clearly concluded that the deceased was crossing the railway line and was not travelling by train at the relevant time.

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

8. So far as the occurrence of an “untoward incident” is concerned, the Tribunal itself returned a categorical finding that the death of the deceased had occurred on account of an “untoward incident”. The Tribunal specifically disbelieved the defence sought to be projected by the respondent through the Guard, RW-1 and observed that the nature of injuries sustained by the deceased suggested accidental fall from train. The Tribunal further observed that in a train consisting of several bogies, it would not be possible for the Guard to witness every fall occurring from the train and therefore the version projected by the respondent could not be conclusively accepted.

9. In view of the aforesaid findings already returned by the Tribunal itself, this Court finds no reason to take a different view on the said aspect. Significantly, neither any eyewitness to alleged trespass nor any direct evidence establishing that the deceased was crossing the railway line was produced by the respondent. The contemporaneous official record including the Station Master memo, GRP proceedings consistently establish that the deceased had suffered fatal injuries in a railway accident within railway premises. The occurrence, therefore, clearly falls within the ambit of an “untoward incident” under Section 123(c) read with Section 124-A of the Act.

10. The only surviving issue therefore is whether the deceased was a *bona fide* passenger at the time of the incident.



11. The Tribunal answered the aforesaid issue against the appellants primarily on the reasoning that no valid ticket for travel between *Ghaziabad* and Old *Delhi* was recovered from the person of the deceased and therefore it could not be held that he was travelling by train at the relevant time.

12. The material placed on record clearly establishes that the deceased had commenced a genuine railway journey from *Allahabad* towards *Delhi* under a valid reserved ticket. The reservation ticket placed on record shows confirmed reservation in Train No.12417 *Prayagraj* Express in Sleeper Coach S-6. The PNR status as well as reservation particulars further corroborate the said journey undertaken by the deceased along with one *Talib Hussain*. Significantly, the respondent never disputed the genuineness of the said reservation and the journey undertaken by the deceased from *Allahabad* to *Ghaziabad* stood duly verified during inquiry proceedings themselves.

13. The statements recorded during inquiry proceedings consistently support the aforesaid journey. *Talib Hussain* (AW-2) in his deposition, specifically stated that he along with the deceased had travelled from *Allahabad* to *Ghaziabad* by *Prayagraj* Express and thereafter both had deboarded at *Ghaziabad*. He further stated that in his presence, the deceased purchased a ticket for his onward journey towards Old *Delhi* and thereafter boarded *Brahmaputra* Express while the witness himself proceeded separately towards Greater *Noida*. The said witness was cross-examined at length, however nothing material could be elicited to discredit the core version consistently put forth by him.

14. The Tribunal, however, discarded the testimony of AW-2 merely on conjectural assumptions by observing that it was “unlikely” that a person



who himself intended to leave the station would wait to witness the purchase of a journey ticket for an onward journey. The Tribunal further proceeded to observe that since mobile phone and certain belongings of the deceased were recovered, it was “unlikely” that the onward journey ticket alone could have been lost during the incident. In the considered opinion of this Court, the aforesaid findings are entirely speculative and unsupported by evidence on record. It may also be noted that this aspect of loss of ticket in the course of an accidental fall has been specifically dealt with by this Court in Jagveeri v. Union of India¹, the relevant extracts wherefrom are as under:-

“This Court is of the view that the impugned order has erred in its reasoning that since a relatively higher object like a cell phone could still be on the body of the deceased. Rejection of the claim on this ground is not sustainable because a lighter object will always fly-off from the pocket if the unfortunate body is violently tossed about in a gruesome and fatal train accident. A heavier object like a cell phone being better ensconced, deeper in the pocket, is likely to stay in the pocket. Besides, the ticket could have been lost in the efforts of chance good Samaritans of the Railways or police officials or hospital authorities trying to ascertain the identity of the injured person by looking into the contents of his pockets.”

15. The Tribunal failed to appreciate that once the initial railway journey undertaken by the deceased stood conclusively established through official railway records and corroborative witness statements, the burden shifted upon the Railways to establish circumstances sufficient to dislodge the status of *bona fide* passenger.

16. Instead thereof, the entire case of the respondent rests merely upon

¹ (2018) SCC OnLine Del 8552



non-recovery of a subsequent ticket between *Ghaziabad* and *Old Delhi*.

17. The aforesaid reasoning cannot be sustained in law. The Supreme Court in *Union of India v. Rina Devi*², specifically held that mere absence or non-recovery of ticket cannot by itself negate *bona fide* passenger status and the issue is required to be decided on the basis of attendant facts and surrounding circumstances. It was further held that once foundational facts regarding railway travel are shown, the burden shifts upon the Railways.

18. Similarly, in *Union of India v. Prabhakaran Vijaya Kumar & Ors.*³, the Supreme Court held that the provisions relating to compensation under the Railways Act are beneficial in nature and deserve liberal interpretation in favour of victims of railway accidents.

19. In the present case, the attendant circumstances overwhelmingly support *bona fide* railway travel. The deceased was admittedly travelling under a confirmed reserved ticket from *Allahabad*, and the reservation particulars stood verified from railway records themselves. His belongings including mobile phone, bank cards and other articles were recovered from the spot, and there is no material whatsoever suggesting that the journey documents produced by the appellants were fabricated or manipulated.

20. On the contrary, the conclusion recorded in the DRM/RPF inquiry that the deceased was not travelling by train is itself contradicted by the respondent's own material acknowledging the reserved journey undertaken by the deceased. The inquiry authorities merely presumed that since no subsequent journey ticket between *Ghaziabad* and *Old Delhi* was recovered, the deceased must have been crossing the railway line. Such inference is

² (2019) 3 SCC 572

³ (2008) 9 SCC 527



entirely conjectural and insufficient to rebut the presumption arising from the proved railway journey already undertaken by the deceased. As noted above, *Talib Hussain* has testified to the effect, that in his presence, the deceased had purchased the journey ticket to Old *Delhi* Railway Station and thus, the initial burden cast on the claimant stands discharged.

21. In view of the aforesaid discussion, the findings recorded by the Tribunal on the issue of *bona fide* passenger are unsustainable and liable to be set aside.

22. Accordingly, the impugned judgment dated 20.12.2016 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 25.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 12, 2026

kk