



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

% Reserved on : 19.02.2026
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+ **FAO 23/2024**

SMT. ASHA DEVI & ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates
versus
UNION OF INDIARespondent
Through: Mr. Gaurav Sharma, GP with Ms.
Manpreet Kaur and Ms. Archana
Kumari, Advocates for UOI

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 3112/2024(condonation of delay)

1. By way of the present application, the applicants/appellants seek condonation of delay of 595 days in filing the present appeal.
2. Learned counsel for the appellants submits that after the passing of the judgment/order dated 25.02.2022 (hereinafter referred to as "impugned judgment"), the appellants were unable to file the appeal within the prescribed period. It is submitted that the delay is *bona fide* and neither intentional nor deliberate. It is further submitted that the appellants belong to an economically weak section and due to paucity of funds, could not obtain timely legal advice. In this regard, it is pointed out that the deceased was the sole earning member of the appellants' family and thus, a liberal approach may be considered by this Court by condoning the delay in question.



3. It is worthwhile to note that in *Mohsina v. Union of India*¹, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic status of the appellants/claimants.
4. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforementioned decision as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay caused in filing the present appeal.
5. Accordingly, the application is allowed and the delay of 595 days in filing the present appeal is condoned.
6. The application is disposed of in above terms.

FAO 23/2024

1. The present appeal is filed under Section 23 of the Railway Claims Tribunal Act, 1987, assailing the judgment dated 25.02.2022 passed by the Railway Claims Tribunal, Delhi, in Case No. OA II(U)/DLI/LKO/158/2021 in "*Smt. Asha Devi v. Union of India*".
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application of the appellants on the grounds that the deceased was not proved to be a bona fide passenger and that the alleged incident did not amount to an "untoward incident" within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the "Act").
3. Briefly stated, the case of the appellants, as set out in the claim application, is that on 28.04.2011, one *Amar Singh* (hereinafter referred to as the "deceased") was travelling from *Balrai* Railway Station to *Etawah*

¹ (2017) SCC OnLine Del 10003.



Railway Station in 2 SPM (*Shikohabad-Phaphund*) EMU train on the strength of a valid journey ticket. It is alleged that when the train reached near *Jaswant Nagar* Railway Station, the deceased, due to heavy rush and a sudden jerk inside the compartment, accidentally fell from the running train and died on the spot. Thereafter, the deceased was removed to the Government District Hospital, *Etawah*, where the post-mortem examination was conducted.

4. Learned counsel for the appellants assails the impugned judgment by contending that the deceased was a *bona fide* passenger of the train and that the incident in question was an “untoward incident” as defined under the Act. It is submitted that although the journey ticket was not recovered from the body of the deceased, the testimonies of AW-1 *Jitender Kumar*, the son of the deceased, and AW-2 *Atar Singh*, a co-passenger travelling with the deceased, establish that the deceased had purchased a valid ticket and was travelling on the relevant train. It is further submitted that the recovery of the body near KM No. 1173/12-1173/10 near *Jaswant Nagar* Railway Station, coupled with the *panchnama* which records the death to have been caused in a rail accident, proves that the incident was caused as a result of fall from train. Learned counsel submits that the conclusion drawn by the Tribunal that the deceased was run over by a train is speculative and unsupported by any evidence. Reliance is placed on the decisions of this Court in *Malti Kumari & Ors. v. Union of India*² and *Jethuli Devi & Ors. v. Union of India*³.

² 2023 SCC OnLine Del 3195

³ 2023 SCC OnLine Del 7715



5. *Per contra*, learned counsel for the respondent supports the impugned judgment by submitting that the deceased was not a bona fide passenger as no ticket was recovered. It is also submitted that the deceased had not accidentally fallen from the train, instead, he had been run over by a train which had led to the injuries in question. In this light, the alleged incident could not be said to be an “untoward incident”. Reliance in this regard is placed on the DRM report.

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

7. It is noted that the occurrence of the alleged incident at *Jaswant Nagar* Railway Station is not in dispute. Pertinently, the Keyman, *Mahesh Chandra*, had seen the body of the deceased lying at KM No. 1173/12-1173/10 down line ahead of Gate No. 35A at the said Station, based on which the Station Master Memo was recorded at 9:40 hrs.

8. In backdrop of the above facts, the two issues that therefore arose for consideration before the learned Tribunal were whether the deceased was a bona fide passenger and whether the alleged incident was caused as a result of an accidental fall from train so as to amount to an “untoward incident”.

9. It is an admitted position that no journey ticket was recovered from the body of the deceased. However, the absence of recovery of a ticket is not by itself determinative of the question whether the deceased was a bona fide passenger. In the present case, AW-2 *Atar Singh*, who was travelling along with the deceased, stated in his affidavit and deposition that the deceased had purchased the tickets for both of them and had retained the same. The testimony of AW-1 *Jitender Kumar*, though not an eye-witness, supports the version of AW-2. When the evidence of the said witnesses is considered



cumulatively, the appellants had discharged the initial burden of proof regarding the *bona fide* status of the deceased, which the respondent failed to rebut by producing any cogent evidence.

10. Insofar as the issue regarding whether the alleged incident amounts to an “untoward incident” is concerned, the Tribunal had concluded that the present case was that of a run-over. However, neither any independent witness was examined before the Tribunal, nor any *NakshaMoka* or other documentary evidence was produced by the respondent in support of such finding. To the contrary, in support of the claim of an accidental fall, *Atar Singh*, deposed that he and the deceased had boarded the train together at *Balrai* for travelling to *Etawah*. Owing to the heavy rush in the train compartment, both of them were standing near the door. According to the witness, as the train approached *Jaswant Nagar* Railway Station, the deceased accidentally fell from the train due to the heavy rush. The witness further stated that he raised an alarm and, after the train halted at the station, went to the spot where the deceased was lying and informed the railway authorities. The testimony of AW-1 also corroborates the testimony of AW-2.

11. The Tribunal has further observed that both the said witnesses were *panchas* to the *panchnama*, which records the cause of death to be “*train se kat kar*”, and therefore their subsequent deposition attributing the incident to an accidental fall creates a contradiction. This reasoning is unsustainable. Firstly, a perusal of the *panchnama* would reflect that it opines more about the apparent nature of the incident, and that it is inconclusive in nature, calling for a post-mortem report to better ascertain the cause of death. Secondly, the depositions of AW-2 as an eye-witness to the fall have



remained uncontroverted in his cross-examination. In such circumstances, a perceived inconsistency between a summary *panchnama* and ocular evidence cannot be held against the otherwise consistent case of the appellants.

12. The post-mortem report records rib fractures and crushed lower extremities, which *prima facie* are consistent with injuries sustained as a result of a fall from a train. The inference drawn by the Tribunal that the said injuries are more suggestive of a run-over by a train rather than a fall is speculative and unsupported by any medical evidence on record. Likewise, the DRM report concludes that the death was caused due to a run-over by a train on account of the deceased's own negligence, primarily on the basis that no journey ticket was recovered from the deceased. The said conclusion is misconceived, as it is settled that mere non-recovery of a ticket cannot defeat a claim of fall from a train, particularly once affidavits supporting the purchase of a valid ticket have been placed on record.

13. The Tribunal further observed that the incident was reported belatedly, noting that the train had departed from *Balrai* Station at about 6:51 hours, whereas the body was noticed around 9:40 hours, and on that basis expressed doubt about the case of accidental fall. This reasoning is not borne out from the record. The respondent did not place on record the Train Signal Register (TSR) or the log book of the Station Master at *Jaswant Nagar* to establish the precise timing of arrival of the train at the said station. In the absence of such material, the conclusion drawn by the Tribunal rests on conjecture. Moreover, the material on record indicates that *Jaswant Nagar* is situated approximately eight kilometres ahead of *Balrai*, and therefore the temporal inference drawn by the Tribunal cannot be said to be



supported by any reliable documentary evidence. In this regard, reference is made to the decision in Malti Kumari (*supra*), to justify how a delay in reporting cannot amount to dismissal.

14. It is well settled that the provisions relating to compensation under Section 124-A of the Railways Act constitute a piece of beneficial legislation and must be construed liberally. In Union of India v. Prabhakaran Vijaya Kumar⁴, the Supreme Court held that once the occurrence of an “untoward incident” is established, the liability of the Railways is strict unless the case falls within the statutory exceptions. Similarly, in Union of India v. Rina Devi⁵, it was held that non-recovery of a ticket is not by itself sufficient to defeat a claim for compensation.

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

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

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

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

⁴ (2008) 9 SCC 527

⁵ (2019) 3 SCC 572



2026:DHC:2122



MARCH 13, 2026

**MANOJ KUMAR OHRI
(JUDGE)**