



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

% Reserved on : 25.02.2026
Pronounced on : 13.04.2026
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+ **FAO 270/2024**

KIRAN DEVI & ORS.

.....Appellants

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

versus

UNION OF INDIA

.....Respondent

Through: Ms. Nidhi Raman, CGSC with
Mr. Arnav Mittal, Advocate

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 impugned judgment dated 30.05.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA II(u) No. 242/2023.

2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger, nor was the alleged incident an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").

3. The case of the appellants before the Tribunal was that on 13.03.2023, one *Virendra Patel* (hereinafter referred to as the "deceased") was travelling



from *Ludhiana* to *Gorakhpur* on the strength of a valid journey ticket. It was their case that, due to heavy rush in the train, he accidentally fell from the running train near *Harthala* Railway Station (District *Moradabad*), resulting in fatal injuries leading to his death.

4. Learned counsel for the appellants assailed the impugned judgment contending that the Tribunal erred in rejecting the claim application by holding that the deceased was not a *bona fide* passenger and that the incident in question did not fall within the ambit of an “untoward incident”. It was submitted that the deceased had undertaken a lawful journey and that the journey ticket was lost at the time of the accident. Reliance was placed upon the decision of the Supreme Court in *Union of India v. Rina Devi*¹ to contend that mere non-recovery of the journey ticket cannot be treated as conclusive proof against the claimants and that the initial burden stands discharged upon filing an affidavit, whereafter the onus shifts upon the Railways to rebut the same.

5. *Per contra*, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal rightly rejected the claim in view of the material on record. It was contended that no journey ticket was recovered during the *jamatalashi* of the deceased, whereas only a platform ticket of *Ludhiana* Railway Station was found, which casts serious doubt on the claim of *bona fide* travel. It was further submitted that the contemporaneous railway records, including the Station Master memo, DRM report and the statement of the loco pilot, do not support the version of accidental fall from a running train.

6. This Court has heard the arguments addressed on behalf of both the

¹ (2019) 3 SCC 572



parties and has perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are that whether the appellant was a *bona fide* passenger and whether the injuries were sustained in an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

8. Insofar as the status of the deceased as a *bona fide* passenger is concerned, it is an admitted position that no journey ticket was recovered during the *jamatalashi* conducted at the spot. On the contrary, the record indicates recovery of a platform ticket no. 54087412 of *Ludhiana* Railway Station from the possession of the deceased. Though, the said ticket was recovered from the person of the deceased, but the place of incidence, *Harthala*, as per the claim petition, is about 461 km from his boarding station *Ludhiana*, whereas a platform ticket is valid only for 3 hours, and therefore, the presence of a platform ticket, coupled with the absence of any journey ticket or evidence of payment of fare, raises a serious doubt regarding the claim that the deceased had undertaken a lawful journey. No material has been placed on record to explain this discrepancy or to substantiate that the deceased had in fact, validated his journey, as alleged.

9. Though it is well settled that mere non-recovery of a ticket is not conclusive, the initial burden to establish *bona fide* travel lies upon the claimant. In the present case, apart from a bald assertion in the affidavit, no independent or corroborative material has been placed on record to discharge such burden.

10. The reliance placed on *Rina Devi* (supra) is misplaced in the facts of the present case. The said decision cannot be read to mean that in every case



of non-recovery of ticket, the claimant must succeed irrespective of surrounding circumstances. The claim is required to be tested on the basis of attending facts, which in the present case do not support the version of lawful travel.

11. Coming to the manner of occurrence of the alleged incident, once it is proved that the deceased was not a *bona fide* passenger, the question of “untoward incident” need not be delved into. As per records, the dead body of the deceased was found lying near the *Harthala* Railway Station in the middle of the track at Km. 1404/06-08 on track No.1. Further, the statement of the Mr. *Santosh Kumar*, the loco pilot of the train, recorded in close proximity to the occurrence, also records the presence of a body “on the track”. The *panchnama* proceedings and the post-incident documentation relied upon by the appellants only describe the condition of the body and the articles recovered from the deceased. These documents, however, do not establish the manner of occurrence.

12. Even if this Court opines that the same was resulted due to “fall from a train” or any incident involving push or rush inside a compartment, the finding on the first issue itself negates the claim.

13. In light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

14. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

APRIL 13, 2026

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