



2026:DHC:9119



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

% Reserved on : 22.09.2026
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CNR No. DLHC014590222015

+ **FAO 310/2015**

MATADDIN

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Raj Kumar, CGSC with
UOI and Ms. Vandana
Sachdeva, 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 judgment dated 24.07.2015 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/263/2012, whereby the claim for compensation arising out of the death of *Devender Kumar Soni* (hereinafter referred to as the "deceased") was dismissed.



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2. Briefly stated, the deceased, on 18.07.2012, purchased a railway ticket bearing No. 80684393 at New *Delhi* Railway Station and boarded an EMU local train for New Town *Faridabad*. It was pleaded that, owing to heavy rush and a sudden jerk, he accidentally fell from the running train between *Faridabad* and New Town *Faridabad* Railway Stations and sustained fatal injuries.

3. The Tribunal dismissed the claim application primarily on the ground that the deceased had been run over while crossing the railway track and had not suffered an accidental fall from a running train. In reaching this conclusion, the Tribunal relied upon the nature of the injuries and the fact that the body was found on the railway track. It also found the affidavit of the deceased's father unreliable, noticing discrepancies concerning its verification and attestation. Having held that an "untoward incident" was not established, the Tribunal did not find it necessary to examine the issue of *bona fide* passenger status further and dismissed the claim.

4. Learned counsel for the appellants submits that the railway ticket for the journey from New *Delhi* to New Town *Faridabad* was recovered from the deceased himself. The Station Master's memo and the police papers establish that a fatal railway incident had occurred at the stated location. It is contended that the Tribunal could not have concluded, merely from the nature of the injuries, that the deceased was crossing the track when no eyewitness or other cogent evidence established such a circumstance.

5. Learned counsel for the respondent, on the other hand, contends that the appellants failed to prove that the death of the deceased



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occurred due to an accidental fall from a train. It is submitted that the nature of the injuries and the condition in which the body was found indicate that the deceased was hit and run over by a train while crossing the track. Learned counsel further submits that the recovery of a journey ticket, by itself, does not establish that the deceased fell from a train. Reliance is placed on the DRM Inquiry report, and it is contended that the findings recorded by the Tribunal are based on the material available and record and call for no interference.

6. This Court has heard learned counsel for the appellants and perused the record, including the impugned judgment, Station Master's memo, the police report and the documents forming part of the DRM inquiry.

7. Having considered the submissions advanced on behalf of the parties and perused the record, the first question which arises for consideration is whether the deceased was a *bona fide* passenger.

8. Pertinently, it is an admitted fact that a journey ticket bearing No. 80684393, for the journey from New *Delhi* to New Town *Faridabad*, was recovered from the personal search of the deceased, as recorded in the inquest proceedings. The recovery memo further records a ticket for the journey from *Agra Cantt* to New *Delhi* and a bus ticket for the journey from *Rajpura* to *Agra Cantt*. The recovery of the journey ticket, read with the other tickets found on the deceased, lends substantial support to the appellants' case regarding the journey undertaken by him. The evidentiary value of these documents could not have been displaced merely on account of minor discrepancies such as recovery of multiple tickets, particularly when the respondent



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led no oral evidence to rebut the circumstances emerging from the record.

9. The legal position in this regard stands settled by the Supreme Court in “Union of India v. Rina Devi”¹, wherein it was held that the initial burden on the claimant to establish *bona fide* passenger status is not onerous and may be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts to the Railways to rebut the same by cogent evidence. The principle has been reiterated in the recent rulings of the Apex Court in “Lata v. Union of India”² and “Sukhabhai Nanjibhai Makwana & Anr. v. Union of India”³, cautioning against a technical approach to the assessment of evidence in claims of this nature. Applying the aforesaid principles, the recovery of the journey ticket and the surrounding circumstances sufficiently discharge the initial burden cast upon the appellants.

10. The next question is whether the death of the deceased resulted from an “untoward incident” within the meaning of Section 123(c) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

11. The Station Master’s memo dated 19.07.2012, issued at about 02:45 hours, records information received from the driver, *Jagdish Chand*, that an unknown person had been hit by a train near the name board towards the *Agra Cantt* end of the platform on the up main line at kilometre 1509/8. This document, though, establishes that the deceased sustained fatal injuries in a railway-related incident, however, the same does not record that the deceased was seen crossing the railway track,

¹(2019) 3 SCC 572

²2026 SCC OnLine SC 1350

³2026 INSC 1056



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nor does the post-mortem report contain any opinion that the injuries could only have been caused by the deceased being run over while crossing the track.

12. The Tribunal has principally relied upon the nature of the injuries and the condition in which the body was found to conclude that the deceased was run over while crossing the railway track. Such an inference, in the absence of any cogent evidence, cannot be sustained merely on the basis of the injuries. In “Prempal Singh & Anr. v. Union of India”⁴, this Court rejected the Tribunal’s reasoning that the deceased was likely to have been crossing the railway tracks merely because his body was found cut into two pieces. The Court held that, where the valid journey ticket was recovered and the death in a railway accident was established, the inference of track-crossing could not be sustained on that basis alone. The same principle is also reflected in “Union of India v. Smt. Pratima Devi & Ors.”⁵, wherein it was held that the nature and extent of the injuries, even where a portion of the body had been severed, could not by themselves lead to the conclusion that the deceased had been run over. The injuries sustained would depend upon the circumstances of the fall and the place where it occurred. Applying the aforesaid reasoning to the present case, the extensive crush injuries recorded in the post-mortem report do not, in the absence of medical opinion or other cogent evidence, establish that the deceased was crossing the railway track when he came into contact with the train.

⁴2018 SCC OnLine Del 9571

⁵ 2014 SCC OnLine Del 443



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13. The police report recording that the deceased had “fallen from an unknown running train” is also a relevant circumstance. Though the conclusion in the report cannot, by itself, be treated as conclusive proof of the manner of the occurrence, it cannot be ignored while assessing the evidence as a whole. The Station Master’s memo merely records the information received from the driver that a person had been hit by a train. It does not establish that the deceased was trespassing or crossing the track. No eyewitness to the occurrence has been examined, and no medical opinion has been produced to rule out an accidental fall from a running train. The Tribunal, therefore, could not have rejected the claimants’ case merely by drawing an inference from the nature of the injuries and the condition in which the body was found.

14. On a cumulative assessment of the material on record and in view of the fact that the Act is a beneficial piece of legislation, the appellants have established, on a preponderance of probabilities, that the deceased was a *bona fide* passenger and that his death resulted from an accidental fall from a train, constituting an untoward incident under Section 123(c)(2) of the Act.

15. 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 19.01.2027.



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16. The appeal is allowed and disposed of in the above terms.
17. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 13, 2026
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