



2026:DHC:9118



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

% Reserved on : 22.09.2026
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CNR No. DLHC010015512022

+ **FAO 44/2023**

MEENA DEVI

.....Appellant

Through: Mr. Raman Yadav, Mr. Ansh
Yadav and Ms. Ritika,
Advocates

versus

UNION OF INDIA

.....Respondent

Through: Ms. Pratima N. Lakra, CGSC
with Ms. SanthaSmruthi,
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 20.06.2022 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/LKO/1071/2021.

2. Briefly stated, the case of the appellant before the Tribunal was that on 11.06.2012, her son, *Sachin Yadav* (hereinafter referred to as the "deceased"), aged about 13 years, was travelling from *Achalda* to



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Bharthana by a passenger train along with his maternal cousin, *Rinkee*. It was stated that the deceased had purchased a joint journey ticket and that, while deboarding the train at *Bharthana* Railway Station, he accidentally fell from the moving train and sustained fatal injuries. The journey ticket was stated to have been recovered from the body of the deceased by the police, and its recovery was also recorded in the *Panchnama*.

3. Learned counsel for the appellant contends that the Tribunal failed to appreciate that the recovery of the journey ticket was expressly recorded in the *Panchnama* and was also noticed in the railway investigation. It is submitted that the absence of complete particulars of the ticket in the *Panchnama* could not have been treated as proof that the deceased was travelling without a ticket, particularly when the appellant's affidavit and the testimony of *Rinkee*, who was examined as AW-2, supported the case that the deceased was travelling with her after purchasing a joint journey ticket. Learned counsel further submits that the railway records establish the occurrence of a fatal incident involving a train, but do not establish that the deceased was crossing the railway tracks or had voluntarily entered the railway premises when he was run over.

4. *Per contra*, learned counsel for the respondent submits that the appellant failed to establish the deceased's status as a *bona fide* passenger. It is contended that the ticket recovered from the body was not identified by its number or other particulars and, therefore, could not be connected with the journey pleaded by the appellant. Learned counsel further relies upon the information furnished by the Loco



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Pilot, the location at which the body was found and the injuries recorded in the post-mortem report to submit that the Tribunal rightly concluded that the deceased had been run over rather than having accidentally fallen from a moving train.

5. This Court has heard the submissions advanced on behalf of the parties and perused the record, including the impugned judgment, the depositions of the appellant and *Rinkee Yadav*, the *Panchnama*, the post-mortem report and the DRM report.

6. The first question which arises for consideration is whether the deceased was a *bona fide* passenger. The *Panchnama* records the recovery of a journey ticket from *Achalda* to *Bharthana*. The DRM report also notices the recovery of a ticket for the said journey. It is true that the available record does not furnish the ticket number, its date of issue, the class of travel or the number of persons covered by it. However, the absence of these particulars cannot be equated with non-recovery of a ticket. The record contains an affirmative entry regarding its recovery, and the evidentiary value of that circumstance was required to be assessed along with the remaining material. The appellant, who was examined as AW-1, in her evidence, deposed that the deceased was travelling after purchasing a joint journey ticket, while *Rinkee Yadav*, who was examined as AW-2, also deposed that she was travelling with the deceased from *Achalda* to *Bharthana*. The fact that *Rinkee Yadav* was not an eyewitness to the actual fall does not, by itself, render her testimony regarding the journey irrelevant.

7. The legal position in this regard stands settled by the Supreme



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Court in “Union of India v. Rina Devi”¹, wherein it was held that the initial burden upon a 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.

8. In the present case, even assuming that the particulars of the ticket are insufficient to independently establish its validity for the journey in question, the recovery, read with the oral evidence and the surrounding circumstances, was sufficient to discharge the initial burden. The respondent did not lead any oral evidence to establish that the ticket was unrelated to the deceased or that he had entered the railway premises for a purpose other than undertaking a journey. The deceased’s status as a *bona fide* passenger could not, therefore, have been rejected merely because the ticket’s particulars were incompletely recorded.

9. The next question is whether the death of the deceased resulted from an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”). The DRM report records that at about 17:15 hours on 11.06.2012, the Loco Pilot of Train No. 12307 informed the Deputy Station Superintendent, *Bharthana*, that a boy had dashed against his train and had been run

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350

³ 2026 INSC 1056



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over. The *Panchnama* also records the cause of death as run over. These documents establish that the deceased sustained fatal injuries in an incident involving a train, however, the information recorded by the railway authorities does not, by itself, establish that he had been crossing the railway tracks before the occurrence.

10. The post-mortem report dated 12.06.2012 records serious injuries to the back of the head, a crushed right leg below the knee and abrasions on different parts of the body. The head and face were badly damaged, with crush injuries to the head. These injuries establish the severity of the trauma suffered by the deceased, but they do not, in the absence of a medical opinion to that effect, conclusively establish that he was crossing the railway tracks when he came into contact with the train. The condition of the body and the nature of the injuries are undoubtedly relevant circumstances, nevertheless, the conclusion regarding the manner of death must emerge from the entire material on record and cannot rest upon an isolated inference drawn from the injuries.

11. It is also material that the information attributed to the Loco Pilot was not supported by his examination before the Tribunal. The statement finds mention in the DRM report, but the Loco Pilot was not produced as a witness to explain the circumstances in which he noticed the deceased, the precise location of the occurrence or whether he had actually witnessed the deceased crossing the tracks. The entry in the railway record could certainly be considered as a relevant circumstance, but it could not be elevated into direct testimony establishing circumstances which the maker of the statement was never



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examined to prove. The Tribunal was required to consider this limitation along with the recovery of the ticket, the evidence of the appellant and *Rinkee Yadav/AW-2*, the location of the body and the medical record. In the absence of an eyewitness or other cogent material establishing that the deceased was crossing the tracks, the mere recording of the incident as a run-over could not, by itself, exclude the possibility of an accidental fall from a moving train.

12. A similar view was taken by this Court in “*Rajpati v. Union of India*”⁴, wherein it was observed that the condition in which the body is found cannot, by itself, rule out the possibility that the deceased had fallen from a moving train and thereafter came into contact with its steps or wheels. Likewise in “*Smt. Pinki & Ors. v. Union of India*”⁵, this Court examined a case in which the Tribunal had inferred that the deceased was crossing the railway tracks from the location of the body and the injuries recorded in the post-mortem report. The Court held that, in the absence of direct evidence establishing that the deceased was crossing the railway line, the Tribunal could not reject the claim by reconstructing the occurrence on the basis of the location of the body alone. It was further observed that neither the Station Master’s memo nor the *Panchnama*, in the absence of such material, could sustain the inference that the deceased had been trespassing on the railway tracks.

13. On a cumulative assessment of the material on record, the Tribunal’s finding that the deceased had been run over while crossing

⁴2014 SCC Online Del 2540

⁵(FAO 166/2023): Decided on 30.07.2026



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the railway tracks rests substantially upon an inference drawn from the nature of the injuries and the railway memo. Neither circumstance, independently or in conjunction, establishes that the deceased had entered the railway tracks for the purpose of crossing them.

14. The Act is a beneficial piece of legislation and its provisions are required to be interpreted in a manner that advances the object of providing compensation to victims of railway accidents and their dependants. The principle of no-fault liability under Section 124-A of the Act does not require a claimant to establish the precise mechanics of an accident where the material on record, considered as a whole, establishes the occurrence on a preponderance of probabilities.

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.

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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