



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

% Reserved on : 08.05.2026
Pronounced on : 14.05.2026
Uploaded on : 14.05.2026

+ **FAO 37/2024**

SHASHI JAGGI & ORS.Appellants

Through: Mr. Anshuman Bal, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Chiranjiv Kumar, Mr. Mukesh Sachdeva, Advocates

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

JUDGMENT

CM APPL. 5604/2024 (seeking condonation of delay of 76 days in filing the appeal)

1. By way of the present application, the applicants/ appellants seek condonation of delay of 76 days in filing the appeal.
2. Learned counsel for the appellants submits that the appeal was drafted on 07.10.2023 and was sent to the appellants for signing. It is submitted that the counsel had requested the appellants to visit his chamber with the signed papers; however, the appellants received the papers in the last week of October, 2023 itself. It is further submitted that appellant no.1 and appellant



no.4 thereafter fell ill and, therefore, could not visit the office of the counsel earlier. They ultimately came to the office of the counsel in the last week of January, whereafter the present appeal came to be filed.

3. Considering the peculiar facts and circumstances of the present case, and guided by the beneficial nature of the concerned legislation, this Court finds that the appellants has been able to show sufficient cause for the delay in filing the present appeal.

4. In view of the aforesaid, the application is allowed and the delay of 76 days in filing the appeal is condoned.

5. The application is disposed of accordingly.

FAO 37/2024

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 24.07.2023, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/809/2021.

2. Vide the impugned judgment, the Tribunal held that the deceased was a *bona fide* passenger, however, dismissed the claim application on the ground that the incident did not come within the ambit of an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).

3. The brief facts, as stated in the claim application, are that on 24.12.2019, one *Bharat Bhushan Jaggi* (hereinafter referred to as the “deceased”) was travelling from *Ghaziabad* to *Modinagar* by the *Saharanpur* Passenger Train with a valid monthly train pass. It was the case of the appellants that when the train reached between Pole no. 47/28 and 47/29 at the *Modinagar* Railway Station, the deceased, due to heavy rush



and a sudden jerk, accidentally fell from the train and was hit by another train no. UP12017 (*Shatabdi Express*) as a result of which, he sustained fatal injuries, and died.

4. The Tribunal, however, dismissed the claim petition primarily on the reasoning that the deceased was crossing the railway track and became victim of his own negligence and therefore the case fell within the exceptions contemplated under Section 124-A of the Act.

5. Learned counsel appearing on behalf of the appellants contends that the findings recorded by the Tribunal are erroneous and does not take into account the official record. It is submitted that the Tribunal selectively relied upon observations in the inquiry while ignoring the recovery and verification of a valid MST from the person of the deceased, the station diary entries, *jamatalashi* proceedings, site records, GRP proceedings as well as the statement of co-passenger and family members consistently establishing accidental fall during the course of railway travel. It is further submitted that there is absolutely no direct evidence whatsoever proving trespass or deliberate crossing by the deceased.

6. *Per contra*, learned counsel appearing on behalf of the respondent supports the impugned judgment and submits that the inquiry proceedings concluded that the deceased was crossing the railway line and was run over by Train No.12018. It is submitted that the body was found on the Up Line and therefore the Tribunal rightly concluded that the deceased was not a victim of an “untoward incident” arising out of railway travel.

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

8. The principal question which arises for consideration is whether the



death of the deceased occurred in an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act.

9. The Tribunal answered the aforesaid issue against the appellants primarily on the basis of the conclusion recorded in the DRM/RPF inquiry that the deceased was crossing the railway line and was run over by Train No.12018.

10. Insofar as the status of deceased being a *bona fide* passenger is concerned, the same has been answered in affirmative by the Tribunal since during the *jamatalashi* proceedings conducted at the spot, a valid Monthly Season Ticket (MST) bearing No.92823682 (*Modinagar to Delhi-Shahdara*) valid from 03.12.2019 till 02.01.2020 was recovered from the person of the deceased. The verification report issued by the booking authorities specifically records that the MST had been validly issued from *Modinagar* and remained valid for the relevant period.

11. Coming now to the second issue as to whether the death had occurred in an “untoward incident”. In negating the claim, the Tribunal has placed reliance on the statement of the Station Master, *Modinagar* Railway Station, which records that on 24.12.2019, at about 22:50 hours, information was received through VHF set from the driver of Train No.12018 *Shatabdi* Express, that one person had been run over near KM No.47/27-29 in *Modinagar* Yard and that the dead body had fallen on the Up Line. The claimant however, stressed that consequent to accidental fall from the train no. 54473, the deceased was hit by another Train No.12018 (*Shatabdi* Express). A perusal of record reveals that pursuant to information received by the Station Master, it was immediately conveyed to GRP/RPF officials and proceedings were initiated at the spot.



12. The inquest proceedings, *jamatalashi* and GRP records further establish that the body of the deceased was recovered from within railway premises near the relevant railway line. The railway inquiry proceeded upon an inferential assumption that since the body was found near the railway line, the deceased “must have” been crossing the railway track. However, significantly, no eyewitness whatsoever was produced by the respondent to establish that the deceased was actually crossing the railway line or committing any act of trespass. Neither the driver of Train No.12018 (*Shatabdi Express*) nor any railway official stated that the deceased was seen crossing the line.

13. Pertinently, while the DRM relies on the Station Master memo which contained the information relayed by the loco pilot of Train No.12018 *Shatabdi Express*, the statement of the said loco pilot viz. *Raj Kumar* could not be recorded as he had expired. The assistant loco pilot- *Sitaram Kumawat*, whose statement forms part of the inquiry proceedings, merely stated that he did not remember the incident owing to lapse of time. Thus, the entire conclusion regarding “line crossing” is purely speculative and unsupported by any direct evidence.

14. The Tribunal had also summoned a detailed diagram of the site. A perusal of same also does not conclusively establish trespass or unauthorized crossing. The sketch merely depicts the position where the body was found and the adjoining Up and Down railway lines.

15. The surrounding circumstances, on the contrary, probabilise the appellants’ version regarding accidental fall during the course of railway travel and then being hit by another train. The wife of the deceased, AW-1, consistently stated in her statement before the inquiry authorities that the



deceased was returning from duty and had died after coming in contact with Train No.12018 during the course of the journey. The recovery of a valid MST from his person further corroborates the railway journey undertaken by him on the date of the incident.

16. In the present case, there is absolutely no material whatsoever suggesting suicide, self-inflicted injury, intoxication, insanity or commission of any criminal act by the deceased. The respondent has also failed to produce any evidence showing deliberate trespass or intentional crossing of the railway line. The entire defence of the Railways rests merely upon assumptions drawn from the place where the body was found after the occurrence. Such inferential reasoning cannot override admitted documentary evidence establishing *bona fide* railway travel. It also cannot be ignored that in cases involving accidental fall from trains followed by subsequent run over or impact with another train, exact reconstruction of the manner of occurrence frequently becomes impossible. The material available on record clearly leaves open the entirely plausible possibility that the deceased accidentally fell from the passenger train and thereafter came into contact with Train No.12018. The claimants could not have been non-suited merely because the Railways themselves failed to conclusively reconstruct the precise sequence of events.

17. Accordingly, the impugned judgment dated 24.07.2023 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 28.05.2026.



2026:DHC:4291



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

(MANOJ KUMAR OHRI)
JUDGE

MAY 14, 2026

kk