



2026:DHC:7825



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

% Reserved on : 02.09.2026
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CNR No. DLHC010320662025

+ **FAO 144/2025**

BHOORI DEVI & ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIARespondent
Through: Ms. Rukhmini Bobde, CGSC
with Mr. Hussain Taqvi, GP,
Mr. Amlaan Kumar,
Mr. Vinayak Aren and
Ms. Aishwarya Nigam,
Advocates

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 12.02.2025 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in OA/II/DLI/281/2024 titled as "Smt. Bhoori Devi & Ors. v. Union of India".



2. Briefly stated, on 09.08.2023, one Sh. *Nirmal Chandra* (hereinafter referred to as the “deceased”) was travelling from *Jaswant Nagar* to *Etawah* by *Shikohabad-Phaphund* Passenger Train after purchasing a valid journey ticket. It was stated that he had informed his wife that he was proceeding to *Etawah* for work. During the course of the journey, owing to heavy rush and a sudden jerk, he fell from the train between *Jaswant Nagar* and *Sarai Bhopat* and sustained fatal injuries, to which he subsequently succumbed.

3. Learned counsel for the appellants submits that the Tribunal failed to appreciate the evidence in its proper perspective. It is submitted that appellant had categorically stated that the deceased had informed her about his journey to *Etawah* and purchase of the journey ticket, which was lost along with his belongings. Reliance in this regard is placed upon “*Union of India v. Rina Devi*”¹ to contend that the initial burden upon the claimant is not onerous and that mere non-recovery of a ticket does not, by itself, disprove *bona fide* passenger status. Learned counsel further submits that there was no eyewitness to the occurrence and neither the Loco Pilot nor the Guard was examined. Reliance is placed upon “*Maya Devi v. Union of India*”² as well as other decisions, to contend that the location of the body away from the railway track cannot, by itself, rule out a fall from a moving train.

4. Learned counsel for the respondent, on the other hand, contended that no journey ticket was recovered from the deceased and

¹ (2019) 3 SCC 572

² 2014 SCC OnLine Del 3203



the appellant admittedly had no personal knowledge of his alleged purchase of the ticket, boarding of the train or the occurrence itself. It is further submitted that the deceased's body was found approximately four metres away from the railway track and the injuries recorded in the post-mortem report are inconsistent with a fall from a running passenger train. Reliance is also placed upon the statement recorded in the Injured/Dead Register that the deceased had left home to visit the fields.

5. Coming first to the question whether the deceased was a *bona fide* passenger, it is an admitted fact that the journey ticket was not recovered from the person of the deceased. It is well settled that the initial burden upon the claimant is not unduly onerous and that the relevant facts and attending circumstances may be considered for determining *bona fide* passenger status and mere absence of a ticket is not, by itself, sufficient to negate such status. {Ref: Rina Devi (supra)}.

In this regard, Smt. *Bhoori Devi*/AW-1, in her affidavit, categorically stated that the deceased had informed her that he was going to *Etawah* for work and had purchased a ticket at *Jaswant Nagar*. The appellant, thus, by way of the said deposition discharged the initial burden and the respondent failed to bring any cogent material to rebut the same.

6. The next question is whether the deceased met with an "untoward incident". The contemporaneous record shows that his dead body was found at KM 1166/16 between *Jaswant Nagar* and *Sarai Bhopat*. The Station Master memo records the finding of the body



adjacent to the railway line, whereas, the *panchnama* records that the body had been cut by a train.

7. The Tribunal principally inferred that the deceased had been “run over” from the fact that his body was found about four metres away from the track and from the nature of the injuries. However, there is no eyewitness to the occurrence and neither there is any evidence of the Loco Pilot, Guard or any other railway official who witnessed the occurrence or could establish that the deceased was walking on the railway track and was thereafter “run over”. The mere fact that the body was found at some distance from the track cannot, in the facts of the present case, conclusively rule out a fall from a moving train. A similar view has been taken by this Court in “Guruvachan Singh v. Union of India”³, wherein the location of the body a few metres away from the railway track was held, by itself, insufficient to conclude that the deceased was not travelling in a train or that the occurrence was not an untoward incident.

8. Another circumstance relied upon by the Tribunal in this regard is the entry in the Injured/Dead Register stating that the deceased had left home to visit the fields. However, the brother of the deceased, to whom the said statement is attributed, was not examined before the Tribunal. Further, the Sub-Inspector who conducted the spot proceedings and prepared the *panchnama* was also not examined. In these circumstances, the entry relied upon by the Tribunal, particularly in the absence of examination of the person who made the statement and the concerned police officer, cannot by itself rebut the appellants’

³2026 SCC OnLine Del 2351



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case.

9. In the present case, there is no direct evidence to substantiate the alternative theory that the deceased was walking on the railway track and was thereafter run over. The mere distance of the body from the track, in the absence of such evidence, cannot be treated as conclusive of the manner of occurrence.

In view of the aforesaid findings, both the requirements of *bona fide* passenger status and “untoward incident” as defined within the Railways Act, 1989 stand satisfied.

10. Accordingly, 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 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 01.10.2026.

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

12. A copy of this judgment be communicated to the learned Tribunal.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 14, 2026

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