



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

% Date of Decision:15.05.2026

+ **FAO 246/2020**

SMT. SANTAR

.....Appellant

Through: Mr. Yogesh Swaroop, Mr. Avani Kumar, Ms. Shahnoor Fatima, Mr. Alok Kumar and Ms. Shivangi Singh, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Piyush Beriwal and Ms. Ruchita Srivastav, Advocates

**CORAM:**

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

**JUDGMENT (ORAL)**

**CM APPL. 33496/2020 (seeking condonation of delay of 832 days in filing the present appeal)**

1. By way of the present application, the appellant/applicant seeks condonation of delay of 832 days in filing the present appeal.
2. Learned counsel for the appellant submits that after the passing of the impugned judgment dated 24.05.2018, the appellant was unable to file the appeal within the prescribed time. The appellant, who is an illiterate woman, is a resident of Village *Farmana Khas, Rohtak (Haryana)*, and was not aware of the technicalities of the limitation period to file an appeal, and once it came to her notice, there was a lockdown and she went to her native village.



3. It is further submitted that the appellant belongs to an economically weaker section and, due to paucity of funds, was unable to get in contact with a counsel and obtain timely legal advice, as she had been in a traumatized condition due to the sudden death of her only son and subsequent death of her husband.

4. It is noteworthy that in *Mohsina vs. Union of India*<sup>1</sup>, a Co-ordinate Bench of this Court condoned a delay of 804 days in filing the appeal, taking into account the weak economic condition of the appellant/ claimant.

5. Considering the facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions as well as the beneficial nature of the concerned legislation, this Court finds that the appellant has been able to show sufficient cause for the delay in filing the present appeal.

6. Accordingly, the application is allowed and the delay of 832 days in filing the present appeal is condoned.

7. The application is disposed of in the above terms.

### **FAO 246/2020**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 24.05.2018, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application no. OA (Ilu) 236/2017.

2. The facts, in a nutshell, are that the claim application came to be filed seeking compensation on account of the death of one Sh. *Anil Kumar* (hereinafter referred to as the “deceased”), an Army personnel (Sepoy). It was claimed that on 15.03.2011, the deceased had undertaken a journey



from *Hazarat Nizamuddin* to Old *Delhi* Railway Station, whereafter, he had to travel from Old *Delhi* Railway Station to *Ghewra*. It was further claimed that on said date, in morning, the deceased had reached *Ghewra* and thereafter had to go to *Nehru* Palace and was required to return back by evening. He purchased two tickets bearing no. 45015384 and 45015385, on the said date, each for travelling from *Ghewra* to *Tuglaqabad* and from *Tuglaqabad* to *Ghewra*.

It was the case of the appellant that the deceased boarded a local train, and owing to heavy rush inside the compartment, due to a sudden jerk and push by passengers inside the compartment, the deceased accidentally fell from the running train near *Hazrat Nizamuddin* Railway Station and suffered fatal injuries.

3. The Tribunal, however, dismissed the claim application by observing that the appellant/claimant failed to prove the *bona fide* status of the deceased, as the Tribunal not only doubted the version set up in the claim application, but also the investigation conducted by the Investigation Officer, SI *Ram Avatar*, who had initially treated the body to be that of an unknown person.

The Tribunal further observed that though the Investigating Officer later claimed recovery of railway tickets, ATM card and other identity documents from the deceased, no seizure memo thereof was prepared.

4. Learned counsel for the appellant submits that the claimants cannot be non-suited merely on account of deficiencies or irregularities in the investigation conducted by the Investigating Officer. He further submits that the Tribunal has misdirected itself by placing undue emphasis on the

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<sup>1</sup> (2017) SCC OnLine Del 10003



conduct of the Investigating Officer in not preparing the seizure memo with respect to the articles allegedly recovered from the deceased. It is further contended that the identity of the deceased ultimately stood established and the material placed on record sufficiently establishes that the deceased had suffered an accidental fall during the course of railway travel. Reliance is placed upon the decisions of the Supreme Court in Union of India v. Rina Devi<sup>2</sup> and Rajni & Ors. v. Union of India<sup>3</sup>.

5. Learned counsel for the respondent, on the other hand, seeks dismissal of the present appeal by contending that initially, the body of the deceased was treated as that of an unknown person and even a circular in that regard came to be issued by the DCP concerned. It is submitted that the Tribunal has doubted the genuineness of the statement made by SI *Ram Avatar*, wherein he claimed to have seen the journey tickets as well as the ATM cards of the deceased and thereafter identified the body to be that of the deceased. He further submits that the Tribunal had also directed initiation of proceedings under Section 340 CrPC and therefore, the claim was rightly rejected. Lastly, it is contended that the original journey tickets were never produced and it remains uncertain as to how the photocopies thereof came on record.

6. I have heard the learned counsels for the parties and perused the material on record.

7. Though initially the identity of the body discovered at *Hazrat Nizamuddin* Railway Station on 15.03.2011 remained uncertain, there is ultimately no manner of doubt that the said body was that of the deceased, in

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<sup>2</sup> (2019) 3 SCC 572

<sup>3</sup> (2025) INSC 1201



respect of whom the present claim application came to be instituted by his family.

8. A perusal of the impugned judgment would show that the entire thrust of the Tribunal's reasoning rests upon the circumstance that the deceased was initially shown as an "unknown person" and that the Investigating Officer had failed to prepare any seizure memo regarding the alleged recovery of railway tickets and other identity documents. However, the declaration that the body was initially unidentified was an act attributable to the Investigating Officer and the concerned police authorities. Further, merely because a circular was issued regarding an unidentified body, this cannot, by itself, operate to defeat a legitimate claim for statutory compensation once the identity of the deceased subsequently stood conclusively established.

9. Insofar as the *bona fide* passenger status of the deceased is concerned, photocopies of the journey tickets bearing Nos.45015384 and 45015385 dated 15.03.2011 were placed on record. The said journey particulars were specifically pleaded in the claim application itself and also find mention in the affidavit filed on behalf of the claimants. Though the respondent sought to question the manner in which the photocopies came into possession of the appellants, it is significant that the respondent failed to place on record any DRM report or any independent railway inquiry disproving the case set up by the claimants or the genuineness of the travel tickets.

10. The material placed on record further shows that the deceased was found within railway premises at *Hazrat Nizamuddin* Railway Station and the Final Inquest Report itself records the conclusion to be a "train accident". The respondent has failed to place on record any material to



establish that the deceased was a trespasser or that the case falls within any of the statutory exceptions contemplated under the proviso to Section 124-A of the Railways Act, 1989.

11. The Supreme Court in *Rina Devi* (supra) has held that the initial burden upon the claimant can be discharged by filing an affidavit of relevant facts and once such foundational facts are established, the burden shifts upon the Railways to disprove the claim. In the present case, the appellants had placed on record the claim application, affidavits, journey ticket particulars as well as contemporaneous police and medical documents supporting the claim of the appellant.

12. This Court is of the considered opinion that at best there may have been certain deficiencies in the investigation, however, such deficiencies could not have constituted a valid ground to non-suit the claimants once the identity of the deceased stood sufficiently established.

13. This Court, on appreciating the documentary as well as oral evidence that has come on record is of the considered opinion that the appellant has been able to establish his *bona fide* travel as well as the fact that he suffered injuries in an “untoward incident”.

14. Accordingly, the impugned judgment dated 24.05.2018 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 weeks from the receipt of a copy of this order.

15. For this purpose, the matter be listed before the Tribunal at the first instance on 28.05.2026.

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



2026:DHC:4603



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

**MANOJ KUMAR OHRI  
(JUDGE)**

**MAY 15, 2026/sn/kk**