



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

% Reserved on : 12.05.2026  
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+ **FAO 440/2019**

OM PRAKASH & ANR. ....Appellants

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

versus

UNION OF INDIA .....Respondent

Through: Ms. Pratima N. Lakra, CGSC and Ms.  
Upanita Soumyadarshini, Advocate

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

### **JUDGMENT**

#### **CM APPL. 48717/2019 (Seeking condonation of delay of 249 days in filing the appeal)**

1. By way of the present application, the appellants seek condonation of delay of 249 days in filing the appeal.
2. Learned counsel for the appellants submits 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.
3. 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

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



into account the weak economic condition of the appellant/ claimant.

4. The Railways Act, 1989 and the Railways Claims Tribunal Act, 1987 arise out of beneficial and social welfare legislation intended to provide compensation to victims of railway accidents and untoward incidents. In such matters, a liberal and justice-oriented approach is required while considering applications for condonation of delay so that genuine claims are not defeated on technical grounds.

5. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decision, 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. In view of the aforesaid, the application is allowed and the delay of 249 days in filing the appeal is condoned.

7. The application is disposed of accordingly.

### **FAO 440/2019**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 27.11.2018, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/59/2018.

2. Vide the impugned judgment, the Tribunal dismissed the claim application on the ground that the appellant was neither a *bona fide* passenger nor did the incident come within the ambit of an “untoward incident” as defined under the Railways Act, 189 (hereinafter referred to as the “Act”).

3. The brief facts of the case, as set out in the claim application are that



on 18.12.2017, one *Jitender* (hereinafter referred to as the “deceased”) was travelling from *Shivaji Bridge* to *Ballabgarh* on the strength of a valid journey ticket. It was alleged that when the train reached near *Faridabad Yard*, the deceased accidentally fell from the running train and sustained fatal injuries, as a result of which he died on spot.

4. Learned counsel for the appellants contends that the Tribunal erred in dismissing the claim petition despite the fact that a valid railway ticket bearing No.11346096 was recovered from the person of the deceased during *jamatalashi* proceedings, which stands corroborated by the statement of ASI *Kripal Singh*, GRP, and ASI *Dharamveer Singh*, RPF. Learned counsel further submits that the Station Master memo dated 18.12.2017, the Inquest Report and the post-mortem report support the case of accidental fall from train. It is argued that even the post-mortem report records that the “possibility of railway accident cannot be ruled out” and the SHO opinion in the inquest report specifically records that the death occurred due to railway accident.

5. On the contrary, learned counsel for the respondent supports the impugned judgment and submits that the deceased was not a *bona fide* passenger and had died while negligently crossing the railway tracks. Reliance is placed upon the DRM report to contend that no railway ticket was recovered during the initial proceedings and that the subsequently produced ticket appeared doubtful. It is submitted that there are inconsistencies regarding the recovery of the ticket and identification of the deceased and therefore the learned Tribunal rightly dismissed the claim petition.

6. This Court has heard learned counsels for the parties and perused the



material placed on record.

7. Coming first to the manner of occurrence, the record generated immediately after the occurrence consistently establishes that the death of the deceased arose in a railway accident. The Station Master memo dated 18.12.2017, recorded at 18:50 hours, specifically reported that an unknown dead body was lying near KM No.1509/01 at the UP/M/L side near *Faridabad* Yard. Pursuant thereto, GRP officials reached the spot and initiated inquest proceedings. The inquest report prepared by GRP Faridabad records the place of occurrence within railway premises and the SHO opinion contained therein specifically records that the death occurred due to “railway accident and nobody was to be blamed”. Significantly, the post-mortem report specifically records that the possibility of railway accident cannot be ruled out.

8. Furthermore, the statement of ASI *Dharamveer Singh*, RPF/*Faridabad*, recorded under Section 175 CrPC, assumes significance in this regard. He categorically stated that after reaching the spot and examining the body, it “appeared that the deceased had died due to fall from a running train”. He further stated that on the next day, the articles recovered during *jamatalashi*, including the railway ticket from *Shivaji* Bridge to *Ballabgarh*, were shown to him and that the incident appeared to be an “untoward incident”.

9. Both Sh. *Kripal* (CW-1) and Sh. *Dharamveer* were examined during the course of inquiry. However, it is evident from the record that Sh. *Kripal* appeared before the Tribunal and his testimony was subjected to examination, whereas ASI *Dharamveer*'s version is available only in the form of his recorded statement forming part of the inquiry papers. Although



there is a minor variation regarding the timing and sequence of events in their respective versions, the same is neither material nor irreconcilable. The record consistently establishes the occurrence of the incident on the same date and in the same course of travel, and the slight variation in timing stands sufficiently reconciled from the documents placed on record. The respondent has not produced any material to discredit the said statement of its own RPF official.

10. On the other hand, the conclusion recorded in the DRM report that the deceased met with the said accident not because of a fall from the train, rather due to crossing the railway tracks, is not supported by any direct evidence whatsoever. No eyewitness was examined and no loco pilot, guard, gateman or any independent witness was produced to establish that the deceased was trespassing or crossing railway lines. Even the particulars of the train allegedly involved in the incident were not identified in the inquiry papers. The finding recorded in the DRM report is thus merely inferential in nature and cannot override the official police and medical records discussed hereinabove.

11. The approach adopted by the Tribunal in discarding the case of “untoward incident” regarding track crossing is contrary to the settled principles governing claims under Section 124A of the Act. The provisions relating to compensation under the Act are part of a beneficial legislation and require liberal interpretation and it is also well settled that negligence of the victim would not by itself defeat a claim for compensation once an untoward incident is established. (Ref: Union of India vs. Prabhakaran



Vijaya Kumar &Ors<sup>2</sup>., Jameela&Ors. vs. Union of India<sup>3</sup>)

12. The material available on record, when appreciated cumulatively, clearly probabalises the case of accidental fall from train and the respondent has failed to establish any statutory exception under the proviso to Section 124A of the Act such as suicide, self-inflicted injury, criminal act or intoxication. The finding of the learned Tribunal that the deceased did not die in an “untoward incident” is therefore unsustainable.

13. Coming now to the issue of *bona fide* passenger, the Tribunal discarded the recovery of the railway ticket primarily on the ground that the ticket was not mentioned at the earliest stage and was subsequently shown in *jamatalashi* proceedings. However, the evidence led before the Tribunal adequately explains the said circumstance.

14. Pertinently, CW-1, ASI *Kripal Singh*, GRP/*Faridabad*, specifically deposed that after receipt of the Station Master memo, he reached the spot and initiated proceedings and that *jamatalashi* was conducted subsequently in the presence of the father and brother of the deceased as the incident had occurred during night hours. He further stated that the proceedings continued till the next morning and that the articles recovered from the deceased were shown to RPF ASI *Dharamveer Singh*.

15. The *jamatalashi* memo itself records recovery of railway ticket No.11346096 from *Shivaji Bridge* to *Ballabgarh* along with cash amount of Rs.200/- and other personal belongings from the person of the deceased. The said document bears signatures of one *Om Prakash*, father of the deceased, and *Vijay Kumar*, brother of the deceased. The statement of ASI

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<sup>2</sup>(2008) 9 SCC 527

<sup>3</sup>(2010) 12 SCC 443



*Dharamveer Singh* also corroborates that the recovered ticket was shown to him during inquiry proceedings. Thus, the recovery of the ticket, which was subsequently verified, stands supported not merely by the claimants but also by official police and RPF records.

16. The Tribunal proceeded substantially on suspicion that the ticket might have been planted subsequently. However, except for doubts arising from timing of *jamatalashi* proceedings, there is no material whatsoever on record to substantiate fabrication or manipulation of the ticket.

17. In *Bhola vs. Union of India*<sup>4</sup>, it was observed that mere absence of ticket at the earliest stage or discrepancies regarding recovery thereof would not by itself be sufficient to discard a claim as the ticket could have popped out of the passenger's pocket or otherwise lost after he fell down from the train. Mere discrepancy regarding timing of recovery cannot outweigh the cumulative evidentiary value of the *jamatalashi* proceedings, witness testimony and official records.

18. In view of the aforesaid discussion, this Court is of the considered opinion that the appellants successfully established that the deceased was a *bona fide* passenger and that his death occurred in an untoward incident within the meaning of Sections 123(c) and 124A of the Act.

19. Accordingly, the impugned judgment dated 27.11.2018 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 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.

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<sup>4</sup>AIRONLINE 2018 DEL 3278



2026:DHC:4350



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

**(MANOJ KUMAR OHRI)**  
**JUDGE**

**MAY 15, 2026**

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