



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

% Reserved on : 12.05.2026
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+ **FAO 64/2020**

AARTI & ORS.Appellants

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

versus

UNION OF INDIARespondent

Through: Mr. Vedansh Anand (SPC) with Ms.
Priya Jain, Mr. Kush Garg and Mr.
Mohit Bhardwaj, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL.4684/2020 (Seeking condonation of delay of 567 days in filing the appeal)

1. By way of the present application, the appellants seek condonation of delay of 567 days in filing the appeal.
2. Learned counsel for the appellants submits that after passing of the judgment dated 10.04.2018, the appellants were unable to file the appeal within the prescribed time. It is further submitted that the appellants belong to an economically weaker section, and due to paucity of funds, were unable to get in contact with a counsel and obtain timely legal advice.



3. It is noteworthy that in “*Mohsina vs. Union of India*”¹, 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.

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 567 days in filing the appeal is condoned.

7. The application is disposed of accordingly.

FAO 64/2020

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 10.04.2018, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/176/2017.

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

¹(2017) SCC OnLine Del 10003



incident” as defined under the Railways Act, 189 (hereinafter referred to as the “Act”).

3. The case of the appellants before the Tribunal was that on 21.04.2017, one *Bhim Raj* (hereinafter referred to as the “deceased”) was travelling from *Sadar Bazar, Delhi* towards *Palwal* on the strength of a valid journey ticket. During the course of journey, when the train reached near *Okhla* Railway Station, the deceased accidentally fell from the train while attempting to deboard and sustained fatal injuries resulting in his death.

4. Learned counsel appearing for the appellants submits that the impugned judgment is contrary to the settled position of law laid down by the Supreme Court in *Union of India v. Rina Devi*² and *Union of India v. Prabhakaran Vijaya Kumar & Ors.*³. It is contended that even as per the Railways’ own inquiry reports, the deceased was travelling on a valid railway ticket and died after falling from the train while attempting to get down from the train. It is submitted that such accidental fall during boarding/deboarding squarely constitutes an “untoward incident” and mere negligence of the passenger is not a statutory exception under the proviso to Section 124-A. Reliance is placed upon the *jamatalashi* proceedings and the DRM/RPF inquiry reports, all of which record recovery of railway ticket No. J-21772588 from the person of the deceased.

5. On the other hand, learned counsel for the respondent supports the impugned judgment and submits that the deceased himself attempted to deboard from a moving train near *Okhla* Railway Station and, therefore, the accident occurred solely on account of his own negligence.

²(2019) 3 SCC 572

³(2008) 9 SCC 527



6. This Court has considered the submissions advanced by learned counsel for the parties and perused the record.

7. Upon a careful examination of the material placed on record, this Court finds that the occurrence of the railway accident itself stands conclusively established from the official documents prepared immediately after the incident.

8. The DD entry bearing No.19A, dated 21.04.2017, registered at P.S. Hazrat Nizamuddin Railway Station records that at about 7:30 p.m., information was received through PCR that one person had been cut by a train near Platform No.3, *Okhla* Railway Station and further records that the information was entered in the DCR register and ASI *Virender Singh* immediately departed for the incident spot. The said entry assumes significance as it is the earliest document brought into existence immediately after the occurrence and completely rules out any possibility of any fabrication. Furthermore, the Detailed Accident Report (DAR) prepared in connection with the incident also records the date and time of occurrence as 21.04.2017 at about 7:30 p.m. near *Okhla* Railway Station, Platform No.3. The said DAR specifically records that a railway ticket had been recovered from the passenger and further notes the cause of death as “train accident”. Importantly, the DAR does not suggest the case to be one of suicide, self-inflicted injury, intoxication, criminal act or any circumstance falling within the statutory exceptions contained in the proviso to Section 124-A of the Railways Act.

9. The statement of *Itavari*, the pointsman posted at *Okhla* Railway Station, assumes considerable evidentiary value. He specifically stated that on 21.04.2017 at about 7:00 p.m., one person died in a train accident near



Platform No.3 towards *Nizamuddin* side and that a general railway ticket was recovered from the pocket of the deceased.

10. Once these foundational facts stand established, the incident clearly falls within the ambit of “accidental falling of a passenger from a train carrying passengers” as contemplated under Section 123(c)(2) of the Act.

11. Coming to aspect of the deceased being a *bona fide* passenger,

12. The *jamatalashi* proceedings prepared by the GRP specifically record recovery of railway ticket No. J-21772588 from the person of the deceased. The seizure memo further records that the said ticket was issued on 21.04.2017 for travel from *Sadar Bazar* to *Palwal* and was taken into police custody during investigation. The recovered ticket itself forms part of the record.

13. Most importantly, the DRM report and the RPF inquiry report, both prepared by the Railways themselves, unequivocally record that deceased was travelling from *Sadar Bazar* to *Palwal* on railway ticket No.J-21772588 by Train No.12616 (GT Express). The reports further record that the said ticket stood verified during inquiry. Thus, the Railways’own investigation conclusively establishes the status of the deceased as a *bona fide* passenger.

14. This Court also finds it significant that there is no allegation in any document that the recovered ticket was fabricated, planted or invalid. Neither the DD entry, nor the DAR, nor the *jamatalashi* proceedings, nor the inquiry reports raise any doubt regarding genuineness of the ticket recovered from the deceased.

15. The Tribunal failed to appreciate that once recovery of a valid journey ticket from the possession of the deceased stood proved through official records prepared in the ordinary course of duty, a presumption necessarily



arose in favour of *bona fide* travel. The burden thereafter shifted upon the Railways to dislodge the said evidence by leading cogent material to the contrary. {Ref: *Rina Devi* (supra)}. The respondent has failed to prove their stand and every material document placed on record itself supports the case of the appellants.

16. In view of the aforesaid discussion, this Court is satisfied that deceased was a *bona fide* passenger and impugned judgment passed by the Tribunal is accordingly unsustainable.

17. Accordingly, the impugned judgment dated 10.04.2018 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.

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 15, 2026

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