



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

% Reserved on : 24.02.2026  
Pronounced on : 16.05.2026  
Uploaded on : 16.05.2026

+ **FAO 313/2022**

DAYABATI .....Appellant

Through: Mr. Rajan Sood, Advocate  
versus

UNION OF INDIA .....Respondent

Through: Ms. Archana Gaur, CGSC for UOI  
with Ms. Ridhima Gaur, Advocate

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

**JUDGMENT**

**CM APPL. 52532/2022 (Seeking condonation of delay of 255 days in filing the appeal)**

1. By way of the present application, the appellant seeks condonation of delay of 255 days in filing the appeal.
2. Learned counsel for the appellant 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 into account the weak economic condition of the appellant/ claimant.

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



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 255 days in filing the appeal is condoned.
7. The application is disposed of accordingly.

### **FAO 313/2022**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 13.01.2022, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(u)/DLI/42/2021.
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 stated in the claim application are that on 15.02.2020, one *Ved Prakash* (hereinafter referred to as the “deceased”)



had left for going to *Faridabad* and had purchased a valid journey ticket from *Asaoti* Railway Station to *Faridabad* New Town Railway Station. It was the case of the appellant that after boarding an EMU passenger train from *Asaoti* Railway Station, the deceased accidentally fell from the running train between *Pyala* and *Ballabgarh* Railway Station and sustained fatal injuries, as a result of which he died on the spot.

4. Assailing the impugned judgment, learned counsel appearing for the appellant submits that the approach adopted by the Tribunal is wholly contrary to the settled legal principles governing claims under Sections 123(c) and 124-A of the Act. It is contended that the recovery of railway ticket No. UAB-84097901 from the person of the deceased stands conclusively established not only from the *jamatalashi* proceedings but also from the DRM inquiry report and the RPF investigation. Learned counsel submits that the ticket was subsequently verified from *Asaoti* Railway Station and was found genuine. Learned counsel submits that the Tribunal proceeded merely on assumptions arising from the delayed discovery of the body and the place where the body was found. Reliance has been placed upon the decisions of the Supreme Court in *Union of India v. Rina Devi*<sup>2</sup>, *Union of India v. Prabhakaran Vijaya Kumar & Ors.*<sup>3</sup> and *Jameela & Ors. v. Union of India*<sup>4</sup>.

5. *Per contra*, learned counsel appearing for the respondent supports the impugned judgment and submits that the body of the deceased was found in a non-passenger area between the third and fourth railway lines and not near any platform. It is submitted that the appellant failed to produce any

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

<sup>3</sup> (2008) 9 SCC 527

<sup>4</sup> (2010) 12 SCC 443



eyewitness to prove accidental fall from train. Reliance is also placed upon the TSR (Train Signal Record) entries to contend that several trains had passed through the concerned section during the relevant period and therefore the theory of “accidental fall” was improbable.

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

7. At the outset, it may be noticed that the occurrence of a railway accident resulting in the death of the deceased stands conclusively established from the official records prepared immediately after the incident. The Station Master information dated 16.02.2020 records that the keyman *Pappu* informed at about 12:30 PM that a male dead body was lying between the third and fourth railway lines near KM No.1496/26-24. The said statement of keyman *Pappu* recorded during inquiry assumes significance. He specifically stated that while performing track inspection duty, he noticed the dead body lying between the railway lines and immediately informed Dy. Station Superintendent, *Pyala*. Importantly, he nowhere stated that the deceased was seen crossing the railway tracks or that the deceased had been run over while trespassing.

8. The inquest proceedings and the post-mortem, which was conducted within 24 hours of the occurrence of the incident, also consistently attribute the death to a “railway accident”. Most importantly, the post-mortem report specifically records that “the possibility of railway accident cannot be ruled out”. Significantly, neither the post-mortem report nor the inquest papers suggest suicide, self-inflicted injury, intoxication or any criminal act. This aspect assumes significance because the Tribunal nevertheless proceeded to speculate that the deceased “might have been answering a call of nature



when he was run over by a train”. Such finding is unsupported by any documentary evidence on record.

9. The Tribunal has primarily proceeded on the premise that since the body was found in a block section between the third and fourth railway lines and not near a passenger platform, the possibility of track crossing could not be ruled out. However, the said conclusion is not borne out from the evidence on record. Neither the DRM inquiry, nor the GRP proceedings, nor the statements of railway officials disclose any eyewitness account of the deceased crossing the railway tracks.

10. The Tribunal also attached undue significance to the circumstance that several trains had passed through the concerned section during the intervening period. The TSR entries merely indicate movement of trains through the railway section and they neither establish track crossing nor identify the particular train involved in the incident. In absence of any supporting evidence, in facts of the present case, the TSR entries do not advance the case of the respondent.

11. Furthermore, the reasoning that the body remained unnoticed for several hours and, therefore, the case of accidental fall becomes doubtful, is equally misplaced. The occurrence is stated to have taken place during the intervening night hours. In such circumstances, mere delayed discovery of the body cannot, by itself, negate the possibility of accidental fall. A gainful reference in this regard may be made to the decision in *Sh. Surendra Prasad Verma v. Union of India*<sup>5</sup>, wherein it was held that mere delay in recovery or discovery of the body cannot be treated as a determinative circumstance to disbelieve the case of an accidental fall, particularly in the absence of cogent

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<sup>5</sup> 2014 SCC OnLine Del 2917



evidence suggesting otherwise.

12. Applying the aforesaid principle to the facts of the present case, the delayed noticing of the body cannot lead to an adverse inference against the appellant as merely because the body of the deceased was discovered after a considerable gap, the same cannot be taken out of the ambit of an “untoward incident”.

13. Coming now to the issue of *bona fide* passenger, the material placed on record supports the case of the appellant.

14. The *jamatalashi* proceedings specifically record recovery of railway ticket No. UAB-84097901 from *Asaoti* to *Faridabad* New Town from the pocket of the deceased. The said recovery also finds mention in the DRM inquiry report as well as the RPF investigation papers. The DRM report further records that the said ticket was verified from *Asaoti* Railway Station and was found to have been issued on the said date at 14:37 hours. The RPF inquiry report reiterates the same position and specifically records that the recovered ticket was verified through railway authorities and found genuine. Significantly, the respondent has nowhere alleged that the recovered ticket was forged, fabricated or planted subsequently.

15. Once recovery and verification of a valid railway ticket stood established through official records prepared in ordinary course of duty, a presumption necessarily arose in favour of *bona fide* travel. The burden thereafter shifted upon the Railways to rebut the said evidence by producing cogent material to the contrary. {Ref: *Rina Devi* (supra)} Except for a speculative suggestion that the deceased may have been crossing the tracks, no such evidence has been brought on record by the respondent to establish any statutory exception such as suicide, self-inflicted injury, criminal act or



intoxication.

16. The provisions relating to compensation under Sections 123(c) and 124-A of the Act form part of beneficial legislation and therefore require liberal interpretation. The Tribunal, instead of appreciating the evidence cumulatively, proceeded substantially on surmises arising from the delayed discovery of the body and the location where the body was found.

17. In view of the aforesaid discussion, this Court is satisfied 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 124-A of the Act.

18. Accordingly, the impugned judgment dated 13.01.2022 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.

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

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

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

**MAY 16, 2026**

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