



2026:DHC:7938



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

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CNR No. DLHC010305582021

+ **FAO 228/2021**

ROSHANI & ORS.Appellants
Through: Mr. Ritik Singh, Advocate

versus

UNION OF INDIARespondent
Through: Ms. Shubhra Parashar and
Mr. Virender Pratap Singh
Charak, 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 24.03.2021 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in OA(IIu)/DLI/133/2020, whereby the claim application filed by the appellant seeking compensation on account of the death of her son came to be dismissed.
2. The brief facts necessary for the adjudication of the present appeal are that on 24.06.2019, one *Jagveer@Jagbeer* (hereinafter



referred to as the “deceased”), having purchased a valid journey ticket, was travelling from *Bijwasan (Delhi)* to *Jataula (Haryana)*. It is the case of the appellants that during the intervening night of 24/25.06.2019, during the course of the said travel, the deceased fell from the train near *Tajnagar* Railway Halt, on account of a sudden jerk and jolt and sustained injuries resulting in his death.

3. The Tribunal noticed that the journey ticket, issued on 24.06.2019 had been recovered from the deceased, however, it was observed that the ticket had been purchased at 12:38 hours and was valid for three hours. Taking the first train from *Bijwasan* to have departed at 14:40 hours and the journey to be of about one hour, the Tribunal proceeded on the basis that the deceased would have completed his journey by about 16:40 hours. The Tribunal thereafter found it difficult to accept that the dead body could have remained unnoticed on a busy railway track until 06:15 hours the next morning.

4. Learned counsel for the appellants submits that the Tribunal has proceeded on its own assumption that the deceased must have completed his journey by 16:40 hours. It is submitted that there is no evidence to show that the dead body was lying at the said spot from 16:40 hours onwards or that the track had been inspected at that time. It is further submitted that the journey ticket was recovered from the deceased and the same was also noticed in the DRM report. Thus, the deceased was a *bona fide* passenger and the mere fact that no eyewitness to the fall was available could not be a ground to reject the claim.



5. On the other hand, learned counsel for the respondent refutes the aforesaid submissions and contends that the manner of death could not be established. It is also submitted that the Driver and Guard of Train No.54413 had stated that they had not noticed any person falling from the train.

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

7. The first question is whether the deceased was a *bona fide* passenger. A railway ticket bearing No. UAC-39161344 was recovered from the person of the deceased. The ticket was issued from *Bijwasan* to *Jataula* on 24.06.2019 at about 12:38 hours. The respondent itself referred to this recovery in its written statement and the DRM proceedings also contain the verification of the ticket. Thus, unlike cases where the claim of travel rests only on the statement of a family member and no ticket or other contemporaneous material is available, there is cogent railway material in the present case showing that the deceased was in possession of a journey ticket for the route in question.

8. The fact that the exact train in which the deceased travelled has not been established does not alter this position. The ticket was not produced subsequently by the family, it was recovered from the deceased himself. Its difficulty arose from the subsequent question as to when and from which train the deceased could have fallen. The two questions ought not to have been conflated. On the material available and in view of the guiding beneficial legislation, the deceased, thus, has been established to be a *bona fide* passenger.



9. The next substantial question to be considered is whether the circumstances on record establish the incident to be an “untoward incident” as defined in the Railways Act, 1989 (hereinafter referred to as the “Act”). The reasoning of the Tribunal, in this regard, principally rests on the fact that the body was found at 06:15 hours on 25.06.2019 whereas, according to its calculation, the deceased would have completed his journey by 16:40 hours on the previous day. This calculation, however, does not establish the time at which the deceased fell from the train. The *Gangman* only noticed the dead body at 06:15 hours while performing his duty. There is no evidence that the body was lying at the same place at 16:40 hours or that the spot had been inspected before the body was found.

10. The observation of the Tribunal that, on account of the late sunset and heavy traffic on the railway line, the body would necessarily have been noticed earlier is therefore only an assumption. In this regard, the decision of this Court in “Sh. Surendra Prasad Verma & Anr. v. Union of India”¹, is relevant, wherein delay in discovery of the dead body was not treated as, by itself, sufficient to reject the case of accidental fall. A similar view has subsequently been taken by this Court in catena of decisions where the dead body was noticed only after a lapse of time and there was no direct evidence of the fall.

11. Additionally, the statements of the Driver and Guard of Train No.54413 also do not establish any contrary manner of death, as they merely stated that they did not notice any person falling from their

¹2014 SCC OnLine Del 2917



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train. Their statements, therefore, do not establish that the deceased had not fallen from any train whatsoever. The DRM report also does not bring on record any positive material to establish suicide, trespassing or any other cause of death.

12. In view of the aforesaid circumstances, and keeping in mind the beneficial nature of the legislation, the claim cannot be rejected on the basis of minor variances as to the manner in which the incident occurred.

13. 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 12.10.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 16, 2026
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