



2026:DHC:2258



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

% Reserved on : 16.03.2026
Pronounced on : 17.03.2026
Uploaded on : 18.03.2026

+ **FAO 80/2026**

POOJA BHATI & ORS.Appellant
Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates.

versus

UNION OF INDIARespondent
Through: Ms. Archana Gaur, CGSC with Ms.
Ridhima Gaur and Mr. Deepu Kumar,
Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 15995/2026

1. By way of the present application, the applicant/appellant seeks condonation of delay of 67 days in filing the present appeal.
2. For the reasons stated in the application and since there is no opposition to the prayer made, the same is allowed and the delay of 67 days in filing the appeal is condoned.
3. The application is disposed of in the above terms.

FAO 80/2026



1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 assailing the judgment dated 24.09.2025 passed by the Railway Claims Tribunal (hereinafter referred to as the “Tribunal”), Delhi, in Case No. OA/IIU/DLI/620/2025 titled as, ‘Smt. Pooja Bhati & Ors. vs. Union of India’.
2. *Vide* the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger, nor was the alleged accident an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”).
3. The brief facts of the case, as stated in the claim application, are that, one *Sanjay Bhati @ Sanjay Nath* (hereinafter referred to as the “deceased”) is stated to have undertaken a journey from *Kasganj* to *Ratlam Jn.* on the strength of a journey ticket. On the intervening night of 18/19.09.2024, the deceased suddenly fell down between *Agsauli* and *Sikandrau* stations and died on the spot. Thereafter, the post-mortem was conducted at Government Hospital, *Kasganj*.
4. The learned counsel for the appellant assails the impugned judgment by contending that the deceased was a *bona fide* passenger and the alleged accident took place as a result of an accidental fall from the train, thereby constituting an “untoward incident” under the Act. It is submitted that the deceased had left his residence on 15.09.2024, and, had subsequently informed his wife on 18.09.2024 over a phone call that he would board a



night train to return back home. Reliance was placed upon the decision of the Supreme Court in Union of India v. Rina Devi¹ to contend that mere non-recovery of the railway ticket cannot be treated as fatal to the claim, particularly when the affidavit of AW-1, *Pooja Bhati* (wife of the deceased) states that the deceased had purchased a valid journey ticket, which, along with the deceased's bag, was lost during the incident.

5. *Per Contra*, learned counsel for the respondent supports the impugned judgment by reiterating that the deceased was neither a *bona fide* passenger nor the alleged incident was an “untoward incident” within the meaning of the Act. It is submitted that no railway journey ticket was recovered during *jamatalashi* conducted by the police. Reliance is placed on the inquiry report, Station Master Memo and statements of railway staff to contend that there is no material to show that the deceased had undertaken any railway journey.

6. This Court has heard the arguments addressed on behalf of both parties and has perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the deceased was a *bona fide* passenger and whether the alleged incident was an “untoward incident” as defined under the Act.

8. It is not in dispute that no railway journey ticket was recovered from the possession of the deceased, and furthermore, the *jamatalashi* conducted

¹ (2019) 3 SCC 572



by the police records that only an Aadhaar card and a diary was recovered from the person of the deceased. The appellants sought to establish the case of travel through the testimony of AW-1, however, a reading of her deposition would show that she was not accompanying the deceased at the time of the alleged journey.

9. The testimony of AW-1 also fails to disclose any particulars regarding the purchase of the ticket or, the train by which the deceased allegedly travelled. Her knowledge of the alleged travel of the deceased is based on what the deceased is stated to have conveyed to her over a phone call, and she, herself did not witness the deceased purchasing a journey ticket and thus falls short of discharging the initial burden of stating material facts in terms of decision in *Rina Devi* (supra). In view thereof, this Court observes that the Tribunal was justified in holding that the *bona fide* status of the deceased was not proved.

10. Having concluded so, the second issue does not require to be delved into. Although on appreciation of facts, this Court finds that the body of the deceased was discovered by the railway keyman *Wasim Md.*, lying between *Agsauli* and *Sikandrau* Stations at KM No. 271/6-7, who subsequently informed the railway authorities. The Station Master Memo and the records prepared thereafter indicate that the body was found lying near the track. As noted above, no journey ticket was recovered during the *jamatalashi*, and furthermore, the statements of railway staff on duty, also indicate that they had no knowledge of any such incident. The inquiry report prepared by the



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railway authorities records that there was no evidence to show that the deceased had undertaken any railway journey.

11. In light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

12. Accordingly, the present appeal is dismissed.

13. The appeal is accordingly disposed of in the above terms.

MANOJ KUMAR OHRI, J

MARCH 17, 2026

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