



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

% Reserved on : 25.03.2026  
Pronounced on : 17.04.2026  
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+ **FAO 202/2019**

BEENA RANI & ORS. ....Appellants  
Through: Mr. Yogesh Swaroop, Advocate  
versus

UNION OF INDIA .....Respondent  
Through: Mr. Bhagwan Swaroop Shukla,  
CGSC with Mr. Pradyumen Singh  
and Mr. Yash, Advocates

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

**JUDGMENT**

**CM APPL. 21833/2019 (seeking condonation of delay of 394 days in filing the appeal)**

1. By way of the present application, the applicants/ appellants seek condonation of delay of 394 days in filing the appeal.
2. Learned counsel for the appellants submits that the appellant (Smt. *Beena Devi*), being the widow of the deceased, was left in a state of financial distress after the demise of her husband and was solely responsible for maintaining her family. Owing to her precarious financial condition and lack of proper legal assistance, the appellant could not immediately take steps to challenge the impugned order. It is only upon receiving assistance through known persons that the appellant was able to approach counsel and



complete the necessary formalities for filing the present appeal.

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.

4. Considering the peculiar facts and circumstances of the present case, and guided by the principle laid down in the aforesaid decisions, as well as the beneficial nature of the concerned legislation, this Court finds that the appellants have been able to show sufficient cause for the delay in filing the present appeal.

5. In view of the aforesaid, the application is allowed and the delay of 394 days in filing the appeal is condoned.

6. The application is disposed of accordingly.

### **FAO 202/2019**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 19.07.2017 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/230/2016, titled as “*Smt. Beena Rani & Ors. vs. Union of India*”.

2. Vide the aforesaid judgment, the Tribunal held the alleged incident to be an “untoward incident” as defined under the Railways Act, 1989 (hereinafter referred to as the “Act”), however, it dismissed the claim application filed by the appellants herein on the ground that the deceased was not a *bona fide* passenger as defined under the Act.

3. The brief facts of the case, as stated by the appellants before the Tribunal, are that on 21.03.2016, one *Sh. Sanjeev @ Pilu* (hereinafter

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



referred to as the “deceased”) was travelling from *Delhi* to *Ailum* Halt by Train No. 51913, *Delhi-Saharanpur* Passenger Train, after purchasing a valid second-class journey ticket, and while the said train reached the *Delhi-Shahdara* Railway Station, due to heavy rush and a sudden jerk, he fell from the moving train and sustained grievous injuries. The deceased was taken to GTB Hospital, where he succumbed to his injuries in the early hours of 22.03.2016.

4. Learned counsel for the appellants assails the impugned judgment by contending that the Tribunal has erred in rejecting the claim despite having returned a categorical finding that the incident in question was an “untoward incident”. It is submitted that the finding regarding the absence of *bona fide* travel is based solely on non-recovery of the journey ticket and alleged inconsistencies in the testimony of *Dhir Singh*, which do not go to the root of the matter. It is contended that the Tribunal has placed undue reliance on the DRM report, which is based on assumptions and is not supported by any direct evidence.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that no journey ticket was recovered from the person of the deceased, and that, the testimony of *Dhir Singh* suffers from material contradictions regarding the destination and timing of travel. It is submitted that the Tribunal has rightly disbelieved the case of the appellants and held that the deceased was not a *bona fide* passenger.

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

7. At the outset, it may be noted that the Tribunal has already returned a categorical finding that the deceased died in an “untoward incident” within



the meaning of Section 123(c) of the Act. The said finding is premised on the contemporaneous record, including the statement of the Guard of Train No. 51913, which records that soon after the train departed from *Delhi Shahdara* Railway Station, an “alarm chain pulling” was resorted to, and information was received from the driver of the train that a passenger had fallen and was trapped between the train and the platform. The injured, was thereafter removed, and taken for medical treatment, where he subsequently succumbed to his injuries. The Tribunal has, thus, recorded that the injury and death of the deceased occurred as a result of a fall from the running train, and on that basis, Issue No. 2 was answered in favour of the appellants, holding the incident to be an “untoward incident”. A perusal of the record, further, confirms the occurrence of the incident and is supported by the contemporaneous material, including the GRP/DD entries and the medical record, which record the case as a “railway accident”, and the said material has not been disputed. The said finding, being based on contemporaneous material and not having been assailed, has attained finality.

8. The controversy in the present appeal is thus confined to the issue of whether the deceased was a *bona fide* passenger at the time of the incident.

9. The Tribunal has rejected the claim primarily on the basis of inconsistencies in the testimony of AW-2, Sh. *Dhir Singh*, particularly with regard to the destination of the journey ticket and the timing at which the deceased was seen off. It is also noted that in his deposition, AW-2 expressed uncertainty regarding the exact train and time of departure. On this basis, the Tribunal has drawn an inference that AW-2 was not present with the deceased at the railway station and has treated the entire version of



purchase of ticket and travel as fabricated.

10. In the opinion of this Court, while the testimony of AW-2 does suffer from inconsistencies, the Tribunal has erred in elevating the same to a determinative factor so as to discard the entire claim. The inconsistencies noted pertain to peripheral aspects, such as the destination mentioned in the ticket and the timing of departure, and do not displace the core circumstance that the deceased had come to the railway station for the purpose of travel and suffered a fall in connection with Train No. 51913.

11. The circumstance of non-recovery of the journey ticket has been treated by the Tribunal as conclusive against the appellants. This approach is contrary to the settled position of law. In “Union of India v. Rina Devi”<sup>2</sup>, the Hon’ble Supreme Court has held that mere non-recovery of a ticket cannot be treated as determinative and that once the foundational facts of an untoward incident are established, the burden shifts upon the Railways to disprove *bona fide* travel. In the present case, the occurrence of the incident in the course of train movement, as borne out from the contemporaneous railway record, coupled with the consistent stand of the appellants and the affidavit of AW-2 affirming that the deceased had purchased a journey ticket in his presence, sufficiently establishes the foundational facts of *bona fide* travel, thereby shifting the onus upon the Railways, which remains wholly undischarged.

12. A perusal of the record, thus notes, that the inconsistencies in the testimony of AW-2, the non-recovery of the ticket, and the belated DRM report, when taken cumulatively, do not constitute sufficient grounds to negate the status of the deceased as a *bona fide* passenger, particularly in the

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



face of contemporaneous railway record indicating a fall from the train. The Tribunal has, therefore, erred in discarding the claim on the basis of such factors while ignoring the more reliable documentary evidence on record.

13. In view of the above, 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 appellant 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 30.04.2026.

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**

**APRIL 17, 2026**

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