



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

% Reserved on : 11.03.2026  
Pronounced on : 18.03.2026  
Uploaded on : 18.03.2026

+ **FAO 326/2019**

SAJNA DEVI

.....Appellant

Through: Mr. Rajan Sood, Advocate.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Mukul Singh, CGSC for UOI  
with Mr.Aryan Dhaka, Advocate.

**CORAM:**

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

**JUDGMENT**

**CM APPL. 36379/2019 (Seeking condonation of delay of 459 days in filing the accompanying appeal)**

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 459 days in filing the appeal.
2. Learned counsel for the appellant submits that after the passing of the judgment dated 12.01.2018, the appellant was unable to file the appeal within the prescribed time. It is further submitted 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

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



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 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.

5. Accordingly, the application is allowed and the delay of 459 days in filing the appeal is condoned.

6. The application is disposed of in the above terms.

### **FAO 326/2019**

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 12.01.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA (Ilu) No. 181/2017 titled as “*Smt. Sajna Devi vs. Union of India*”.

2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellant herein on the ground that the deceased was neither a *bona fide* passenger, nor was the alleged incident 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 on 16.07.2016, one *Sushil Kumar* (hereinafter referred to as the “deceased”) was travelling from *Neem-Ka-Thana* to *Delhi* by *Chetak Express* (Train No. 12982) on the strength of a valid journey ticket. While the train was approaching *Patel Nagar* Railway Station, the deceased fell from the running



train, sustaining grievous injuries including crushing of both legs. The deceased was first taken to *Acharya Shree Bhikshu* Government Hospital and thereafter, was shifted to *Dr. Ram Manohar Lohia Hospital, Delhi*, where he succumbed to his injuries in the early hours of 18.07.2016.

4. Learned counsel for the appellant assails the impugned judgment by contending that the deceased was a *bona fide* passenger of the train and that the incident in question was an “untoward incident” as defined under the Act. It is submitted that although the journey ticket was not recovered from the body of the deceased, the testimony of AW-2, *Ashok Kumar*, the cousin brother of the deceased establishes that the deceased undertook the journey on a valid ticket, which was purchased by AW-2 for him and was lost in the course of the untoward incident. It is further submitted that no DRM report was produced by the respondent even till the stage of final arguments. Learned counsel further emphasized that the Tribunal has also failed to properly appreciate the oral and documentary evidence on record, including DD entries and medical records, which establish that the deceased suffered grievous injuries due to an accidental fall from the train.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by submitting that the deceased was not a *bona fide* passenger as no ticket was recovered. It is also submitted that the deceased had not accidentally fallen from the train, instead, he sustained injuries due to his own unauthorized act of trying to cross the railway track. In this light, the alleged incident could not be said to be an “untoward incident”.

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

7. In the backdrop of the above facts, the two issues that arise for



consideration 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 an admitted position that no journey ticket was recovered from the body of the deceased. However, as per the settled law in Union of India vs. Rina Devi<sup>2</sup>, the absence of recovery of a ticket does not negate the claim that he was a *bona fide* passenger. The absence of recovery of ticket, therefore, cannot itself lead to the conclusion that the deceased was travelling without authority. In cases of railway accidents involving a fall from a running train, it is possible that personal belongings, including the journey ticket may get lost during the course of rescue and medical treatment.

9. Furthermore, as rightly averred, the testimony of AW-2 clearly establishes that the deceased had purchased a valid journey ticket. He categorically deposed that he had accompanied the deceased from their village to *Neem Ka Thana* Railway Station and he had himself purchased a ticket for the deceased. The tribunal discarded the testimony of AW-2 solely on the assumption that the conduct narrated by the witness appeared “artificial”. The testimony of AW-2 has remained consistent, and on consideration, this Court is of the view that the appellant had discharged its initial burden of proof regarding the *bona fide* status of the deceased, which the respondent failed to rebut by producing any cogent evidence. The Tribunal, therefore, erred in rejecting the claim on the ground of non-recovery of the ticket.

10. The other significant aspect is the failure of the respondent to place the DRM Report on record. The record reveals that no DRM report was filed

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



before the Tribunal, and, despite providing sufficient time and opportunity, the respondent failed to produce the said report till the last stage of arguments. The burden of proving the fact pertaining to the deceased being a *bona fide* passenger shifted on the railways and, it has failed to do so and in absence of the mandatory DRM, any evidence whatsoever, cannot be considered to be sufficient. Rather adverse inference has to be drawn against the respondent railway for not following the mandate of law as prescribed.

11. Insofar as the issue regarding whether the alleged incident amounts to an “untoward incident” is concerned, the Tribunal had concluded that in the absence of any reliable record, and that, there being no eye witness supporting the contention of the appellant, no sufficient reason could be made out to say that the alleged incident was covered under the definition of an “untoward incident”.

12. The material placed on record, particularly the medical records, indicate that the deceased had sustained grievous injuries in a railway accident near *Patel Nagar* Railway Station. The MLC prepared at *Acharya Shree Bhikshu Government Hospital* recorded the incident as an “alleged railway traffic accident” and thereafter, the deceased was referred to *Dr. Ram Manohar Lohia Hospital* for further treatment. The discharge/death summary issued by RML Hospital also records the diagnosis as polytrauma resulting from a “railway track accident”, thereby lending support to the version that the injuries were sustained in a railway-related occurrence.

13. Furthermore, the police records placed on record lend support to the case of the appellant. The Daily Diary entry DD No. 5A dated 16.07.2016 records that a PCR call was received at about 5:25 a.m. informing that a person had fallen from a train at *Patel Nagar* Railway Station. The



subsequent entry DD No. 18B dated 16.07.2016, records that a person namely *Sushil Kalawat*, aged about 18 years, was referred to *Dr. Ram Manohar Lohia Hospital* for further treatment. These official records, prepared in the ordinary course of duty, lend considerable assurance to the appellant's case and cannot be disregarded.

14. It is well settled that the provisions relating to compensation under Section 124-A of the Act constitute a piece of beneficial legislation and must be construed liberally. In *Union of India vs. Prabhakaran Vijaya Kumar*<sup>3</sup>, the Supreme Court held that once the occurrence of an "untoward incident" is established, the liability of Railways is strict unless the case falls within the statutory exceptions. Similarly, in *Union of India vs. Rina Devi* (supra), it was held that the non-recovery of a ticket is not itself sufficient to defeat a claim for compensation.

15. Considering the foregoing discussion, this Court is of the view that the Tribunal, in the present case, adopted an unduly rigid standard of proof, overlooking the beneficial object of the Act and the settled principle that proceedings thereunder are intended to provide prompt and efficacious relief to the victims of railway accidents.

16. 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 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 30.03.2026.

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

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



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18. A copy of this judgment be communicated to the concerned Tribunal.

**MANOJ KUMAR OHRI  
(JUDGE)**

**MARCH 18, 2026**

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