



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

% Reserved on : 27.03.2026
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+ **FAO 98/2018**

SUSHEELA & ANR.

.....Appellants

Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Bhagwan Swaroop Shukla,
CGSC with Mr. Mukesh Kumar and
Ms. Priya Dwivedi, 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 20.12.2016 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/0096/2015, titled as "*Susheela & 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 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 26.10.2014, one *Aman* (hereinafter referred to as the “deceased”) was travelling from *Bahadurgarh* to *Nangloi* by *Janta* Express Train on the strength of a valid journey ticket. It was the appellants’ case that upon arrival at *Nangloi* Railway Station, due to heavy rush inside the compartment, the deceased suffered a fall from the train owing to a sudden jerk, resulting in fatal injuries. He was taken to *Sanjay Gandhi* Memorial Hospital where he died during the course of his treatment.

4. Learned counsel for the appellants assails the impugned judgment by contending that the learned Tribunal has failed to appreciate the contemporaneous material on record which clearly establishes that the deceased sustained fatal injuries in a railway accident. It is further submitted that the learned Tribunal has erred in discarding the testimony of the appellants’ witnesses on the basis of minor discrepancies relating to dates and ancillary facts. It is contended that such discrepancies do not go to the root of the matter and are wholly immaterial in the face of consistent documentary evidence establishing the occurrence of a railway accident.

He further submits that the finding of the Tribunal that the deceased was not a *bona fide* passenger is legally unsustainable, inasmuch as the mere non-recovery of a journey ticket cannot be treated as determinative factor to deny the claim. Reliance is placed on the settled position in “*Union of India v. Rina Devi*¹”.

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 there are inconsistencies in the testimony of the appellants’ witnesses. It is submitted that the said factors cast doubt on

¹ (2019) 3 SCC 572



the case set up by the appellants and justify the findings returned by the Tribunal. It is further submitted that the DRM report, prepared in the course of official inquiry, records that the incident did not occur on account of accidental fall from a train but under circumstances attributable to the self-negligent conduct of the deceased. It is contended that in the absence of any cogent evidence to prove bona fide travel, and in view of the inconsistencies in the testimonies of the appellants' witnesses, the claim has been rightly rejected.

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 that whether the deceased was a *bona fide* passenger and whether the alleged incident was an “untoward incident” as defined under the Act.

8. Coming first to the manner of occurrence, the contemporaneous evidence on record clearly lends support to the appellants' version. The earliest information, as reflected from the DD No. 14PP dated 26.10.2014, recorded that an “injured boy” was found at Platform No. 2, *Nangloi* Railway Station and was removed to *Sanjay Gandhi* Memorial Hospital. The MLC prepared at the said hospital records the history of a “train accident”, and the post-mortem report also records multiple ante-mortem injuries, including cranio-cerebral damage, and opines that the injuries are due to the “alleged train accident”. The death certificate also records the cause of death arising out of injuries sustained in a “railway accident”. The said record, prepared contemporaneously and in close proximity to the incident, consistently records that the deceased sustained fatal injuries in a “railway



accident” and constitutes material evidence which cannot be disregarded.

9. The Tribunal has, however, relied upon the DRM report which has held that the deceased died due to his own “self-negligence”. A perusal of the said report shows that the conclusion recorded therein is not based on any direct or eyewitness account but is drawn from a mere inference, and therefore, does not displace the consistent position emerging from the DD entry, MLC, post-mortem report and other contemporaneous record, all of which describe the incident as a “railway accident”. In the absence of any cogent material to show that the case falls within the case of “trespass” or “self-negligence” or, any of the statutory exceptions, the incident would squarely fall within the definition of an “untoward incident” under the Act.

10. Coming now to the issue of *bona fide* travel, this Court finds that the appellants have discharged the initial burden cast upon them. It has been consistently asserted in the claim application and in the affidavit of Sh. *Madan Lal*, AW-1 that the deceased had purchased a valid journey ticket from *Bahadurgarh* and had boarded the train. The said assertion stands supported by the deposition of AW-2 (*Omkar Singh*), who further deposed that the deceased was accompanied by him up to the railway station, from where he boarded the train for *Nangloi*. In this regard, the position in *Rina Devi* (supra) is apposite, wherein it has been held that an affidavit asserting purchase of a valid ticket is sufficient to discharge the initial burden, whereafter the onus shifts upon the Railways. The mere non-recovery of the ticket, particularly when it is the case of the appellants that the same was lost during the incident, cannot be treated as determinative.

11. Insofar as the discrepancies noted by the Tribunal in the testimony of AW-1 and AW-2 are concerned, the same relate to aspects such as the date,



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the role of the accompanying relative, and the sequence of events prior to the journey. These inconsistencies, as borne out from the record, do not have any bearing on the manner of occurrence of the incident. The affidavit furnished by AW-1 and the deposition of AW-2 when read as a whole, consistently support the case that the deceased had boarded the train and sustained injuries in the course of such travel. The discrepancies pointed out are, therefore, immaterial and do not affect the core of the appellants' case.

12. Equally significant is the fact that the respondent has failed to bring on record any material to rebut the case set up by the appellants.

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 04.05.2026.

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 18, 2026

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