



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

% Reserved on : 16.01.2026  
Pronounced on : 19.01.2026  
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+ **FAO 103/2025**

SMT. LALITA DEVI & ORS. ....Appellants  
Through: Mr. Rajan Sood, Ms. Ashima Sood,  
Ms Megha Sood, Advocates  
versus  
UNION OF INDIA .....Respondent  
Through: Mr. Rajesh Kumar, SPC for UOI with  
Ms. Pragya Yadav, Advocate.

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

1. The present appeal has been instituted against the judgment dated 03.05.2024 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/DLI/428/2023.
2. Vide the aforesaid judgment, the Tribunal rejected the appellants' claim seeking compensation for the death of late *Sh. Chandan Singh* (husband of appellant no. 1 and father of appellant nos. 2 to 4), concluding that his death did not occur in an "untoward incident" as defined under the Railways Act, 1989.
3. Learned counsel for the appellants has contended that the Tribunal erred by deciding the core issue against them. He submits that the deceased was a *bona fide* passenger, and that he accidentally fell from a train due to a sudden jerk near the *Basai Dhankot Railway Station*, which must be classified as an "untoward incident" and attract strict liability under the



relevant provisions.

4. Learned counsel for the respondent, relying upon the Statutory Report of the DRM, submits that the body of the deceased was found beneath a road flyover approximately 80 meters away from the railway line and 23 meters away from the railway boundary. The incident was never reported to any railway authority at the time of occurrence. He further states that the ambulance logbook and train records indicate that the body of the deceased reached the hospital before the concerned train even arrived at the station, making the factual basis of the claim impossible.

5. At the outset, it is pertinent to note that the fact that the deceased was a *bona fide* rail passenger holding a valid MST has been admitted by the respondent. The said finding recorded by the Tribunal has not been assailed and has thus attained finality. The sole issue for determination before this Court is whether or not the death occurred in an “untoward incident” as defined in Section 123(c)(2) of the Railways Act, 1989.

6. The DRM report records that an information was received via the 112 emergency line about a dead body found under a road flyover on the *Gurgaon* side of the *Basai Dhankot Railway Station*. The report noted the body's location at a distance of approximately 80 meters away from the railway line towards the East direction. *Sh. Shankar Lal Meena*, the Station Superintendent for *Gurgaon* and *Basai Dhankot*, deposed on 20.08.2024, confirming that the scaled site plan prepared after a visual inspection clearly highlighted that the spot of the incident was beyond 23 meters away from the Railway boundary and property and, beneath the road flyover on a land not belonging to Railways. Furthermore, *ASI Praveen Kumar*, the Investigating Officer, deposed that the passerby, *Roop Ram*, who made the



initial call to the 112 helpline, had deboarded from a different train (Train No. 04469 DMU Passenger) and saw a crowd near an auto-rickshaw stand under the flyover, but did not witness the fall from a train. Pertinently, no witness has been examined to support the claim that the injuries sustained by the deceased were a result of a fall from a train.

7. The initial claim rests on the deceased traveling on Train No. 04433 *Rewari Express Special Train*. The driver of the ambulance which transported the deceased to the hospital, *Sh. Rajkumar*, produced his official logbook register before the Tribunal. The log recorded receiving the emergency call at 07:40 hrs, and the deceased reaching the *Civil Hospital, Gurgaon* at approximately 08:20 hrs, where he was declared brought dead. In stark contrast, *Sh. Rakesh Kumar*, the Train Manager of the concerned train, produced his Rough Journal, which records that Train No. 04433 arrived at *Basai Dhankot Station* at 08:55 hrs and departed at 08:56 hrs. This reflects a time difference of approximately 35 minutes between the arrival of the deceased's body at the hospital and the arrival of the specific train at the station, near which the incident allegedly transpired. In other words, the body was discovered much prior to arrival of the train.

8. Upon the emergence of these material facts during the examination of witnesses, the appellants' counsel filed an application to amend the claim, changing the specific train number (04433) to "some unknown Express Train". The Tribunal noted that this was a belated afterthought and a guessing game intended to circumvent the established factual evidence.

9. The record further indicates substantial inconsistencies in allied investigation reports. The Detailed Accident Report listed entirely different dependents for the deceased (Wife: Rajni, Son: Arun, etc.), further



shrouding the investigation in doubt. More pertinently, while the post-mortem report prepared by Dr. *Sudhir Kumar* noted the cause of death as “*multiple injuries and its complication following anti-mortem blunt force impact*”, the Inquest Report prepared went beyond the medical opinion by adding the SHO’s opinion that the injuries “*may not be ruled out railway track accident*”.

10. The provision for compensation under Section 124A of the Railways Act, 1989, is a beneficial piece of legislation attracting strict liability for an “untoward incident”. However, the incident must still strictly meet the statutory definition provided in Section 123(c), meaning it must have occurred in the course of a train journey or within the precincts of a railway station.

11. On a careful examination of the evidence on record, especially the body of the deceased being discovered several meters away from the railway track beyond the Railway boundary beneath a road flyover and the timing discrepancies established by the Train Manager’s log and the ambulance records, this Court finds merit in the submission that the incident in question did not take place on railway premises or during a train journey as claimed. The Tribunal’s finding that the deceased was not involved in an “untoward incident” as defined in the Railways Act is duly supported by the evidence on record.

12. Considering the above discussion, the well-reasoned judgment of the Tribunal is upheld, and the present appeal is accordingly dismissed.

**MANOJ KUMAR OHRI**  
**(JUDGE)**

**JANUARY 19, 2026/nb**