



2026:DHC:4539



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

% Reserved on : 13.05.2026
Pronounced on : 20.05.2026
Uploaded on : 20.05.2026

+ **FAO 113/2022**

P.K. GUPTA AND ANRAppellants

Through: Mr. Sirish Gupta, Advocate

versus

UNION OF INDIARespondent

Through: Mr. Rajesh Kumar, SPC for UOI with
Mr. Siddharth Shekhar and Mr. Yash
Narain, 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 05.11.2020, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/77/2019.
2. Vide the impugned judgment, the Tribunal dismissed the claim application on the ground that the appellant was neither a *bona fide* passenger nor did the incident come within the ambit of an "untoward incident" as defined under the Railways Act, 189 (hereinafter referred to as the "Act").
3. The brief facts of the case, as stated in the claim application, are that



on 18.09.2018, one Sh.*NishankGupta* (hereinafter referred to as “the deceased”) had purchased a valid secondclass railway journey ticket for travelling from New *Delhi* Railway to *Nagpur*. It is the case of the appellants that after boarding a the train for his onward journey, the deceased accidentally fell from the running train near *Naroli, Mathura* after the train had crossed *Mathura* Railway Station, as a result of which he sustained fatal injuries and died on the spot.

4. Assailing the impugned judgment, learned counsel appearing on behalf of the appellants submits that the recovery of valid railway ticket from the person of the deceased stood conclusively established from the *jamatalashi* proceedings, GD entry, affidavit evidence of AW-1 as well as the DRM/RPF inquiry papers. Learned counsel submits that the said ticket was subsequently verified by the railway authorities themselves and was found genuine, and he contended that once recovery and verification of a valid railway ticket stood established, a presumption necessarily arose in favour of *bona fide* travel and the burden shifted upon the Railways to establish the applicability of any statutory exception under Section 124-A of the Act. It is argued that the CCTV footage only establishes the presence of the deceased at *Mathura* Railway Station during the course of his journey and does not in any manner establish trespassing or any criminal act.

5. *Per contra*, learned counsel appearing on behalf of the respondent supports the impugned judgment and submits that the deceased was neither a *bona fide* passenger nor a victim of an “untoward incident”. It is submitted that the CCTV footage showed the deceased roaming at *Mathura* Railway Station at 20:46 hours and 21:05 hours despite the *Telangana* Express having already departed. Learned counsel further submits that the body was



found about 12-15 feet away from the adjacent railway line and therefore the theory of accidental fall from train was improbable.

6. This Court has heard learned counsels for the parties and perused the material placed on record.

7. At the outset, it may be noticed that the foundational facts regarding recovery of the dead body near the railway track as well as recovery of a valid railway ticket from the person of the deceased are not in dispute. The *jamatalashi* proceedings specifically record recovery of railway ticket No.18912454 dated 18.09.2018 pertaining to travel from New *Delhi* to *Nagpur*. The said recovery also finds mention in GD No.018 as well as in the DRM and RPF inquiry papers. Significantly, the inquiry report further records that the said ticket was verified from the railway authorities and was found to have been issued from Counter No.48 at New *Delhi* Railway Station at 16:50 hours on 18.09.2018. The respondent nowhere alleged that the recovered ticket was forged, fabricated or planted subsequently.

8. A perusal of the affidavit evidence of AW-1, Sh. *P.K. Gupta*, father of the deceased, would show that he categorically deposed that the deceased had purchased a valid journey ticket and that the deceased accidentally fell from the moving train near *Naroli, Mathura* and succumbed to the injuries sustained in the incident. The witness also specifically referred to recovery of railway ticket No.18912454 along with the personal belongings of the deceased during *jamatalashi* proceedings. Significantly, despite cross-examination, nothing material could be elicited so as to discredit the core version put forth by the appellants regarding railway travel and recovery of the valid journey ticket.

9. The Tribunal, however, proceeded substantially on the basis of certain



perceived improbabilities arising from the CCTV footage, train timings and location of the body. In the considered opinion of this Court, the approach adopted by the Tribunal is contrary to the settled principles.

10. A gainful reference in this regard is made to the decision in Union of India v. Prabhakaran Vijaya Kumar & Ors.¹, wherein it was held that the expression “accidental falling of a passenger from a train carrying passengers” has to receive liberal and purposive interpretation keeping in view the beneficial object of the legislation. Further, in Union of India v. Rina Devi², the Supreme Court reiterated that once presence of a valid railway ticket is established, a presumption arises in favour of *bona fide* travel unless rebutted by cogent evidence. It was further held that mere absence of eyewitness or mere doubt regarding the manner of occurrence cannot by itself defeat a claim where surrounding circumstances support accidental fall from train.

11. Reference may also be made to the decision of this Court in Dwarika Mahto & Ors. v. Union of India³, wherein while dealing with the issue of break journey and absence of endorsement on the railway ticket, it was observed that technical violations ought not to defeat claims arising under a beneficial legislation once valid railway travel otherwise stands established.

The relevant extracts are as under:

“... The term bonafide passenger is basically meant under the Railway Claims Tribunal Act, 1987 to ensure that a ticketless traveller should not be given the compensation. In admitted facts, once there is a valid ticket of travel and the boarding, then de-boarding and then again re-boarding took place within the period required in accordance with rules, I would

¹(2008) 9 SCC 527

²(2019) 3 SCC 572

³(2013) ACJ 768



hold that the deceased was a bonafide passenger, and the deceased did not cease to be so merely because of the lack of the endorsement. Of course, if the respondent/railways had pleaded and proved that there was travelling after the break in journey beyond the period of 48 hours and consequently besides the technical violation of non-endorsement there would in fact have been a genuine violation of the rules because the ticket would have been invalid after 48 hours, the decision of this case would have been different, but since all the rules except the requirement of endorsement have been complied with, I would hold that the deceased was a bonafide passenger in terms of the expression as required under the provision of Section 2(29) of the Railways Act, 1989

xxx

I am strengthened in my aforesaid view of the deceased being a bonafide passenger in view of explanation (ii) of Section 124A of the Railways Act, 1989 which reads as under:-

“Section 124A(ii) a person who has purchased a valid ticket for travelling by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.”

This explanation provides that a person will be a passenger i.e. a valid passenger/bonafide passenger for the purpose of this Section 124A of the Act as long as he had purchased a valid ticket. Obviously, this explanation was added to lay emphasis on the social nature of legislation that once it is found that a person is not a ticketless traveller and has a valid ticket for travelling by train, such person would be a passenger entitled to compensation for an untoward incident. The emphasis is thus for denial of compensation only to a ticketless traveller. This explanation (ii) of Section 124A of the Act makes it abundantly clear that even in the absence of a valid endorsement of the break in the journey as long as the other requirements of the break in journey were complied with, the passenger would be a bonafide passenger once he is found to have been otherwise travelling on a valid ticket.”

Tested on the aforesaid principles, the findings returned by the Tribunal cannot be sustained.

12. The CCTV footage relied upon by the respondent merely establishes



the presence of the deceased at *Mathura* Railway Station at about 20:46 hours and 21:05 hours. Far from weakening the case of the appellants, the said circumstance actually corroborates the fact that the deceased was travelling during the course of his onward railway journey. The Tribunal completely overlooked that even according to the respondent, the deceased had spoken to his mother at about 02:20 AM. Merely because the said call was made from *Mathura* could not have led to the conclusion that the deceased thereafter never boarded any train. Once the deceased was admittedly present at the railway station carrying a valid railway ticket for onward travel to *Nagpur*, the possibility of his boarding a train after the said phone call could not have been ruled out.

13. The TSR entries relied upon by the respondent merely indicate movement timings of trains through the railway section. The same neither establish that the deceased was not travelling by train nor conclusively negate the possibility of accidental fall from an unidentified train. In this regard, reference may also be made to the decision in *Sh. Surendra Prasad Verma*(supra) wherein it was held that delayed recovery or discovery of the body cannot by itself be treated as a determinative circumstance to discard the case of accidental fall, especially in absence of cogent evidence suggesting otherwise. The Court observed that in incidents occurring during night hours or isolated railway sections, delayed noticing of the body is not uncommon and cannot defeat a claim otherwise supported by contemporaneous record.

14. Much reliance was placed by the respondent upon the circumstance that at one stage the father of the deceased had expressed suspicion regarding the nature of death. In the opinion of this Court, such apprehension



2026:DHC:4539



was natural considering the peculiar circumstances in which the body was discovered. However, mere suspicion expressed by a grieving parent could not override the contemporaneous documentary evidence available on record. Importantly, the investigation did not ultimately establish any case of homicide.

15. In view of the aforesaid discussion, this Court is satisfied that the deceased was a *bona fide* passenger and that his death occurred in an untoward incident within the meaning of Sections 123(c) of the Act.

16. Accordingly, the impugned judgment dated 05.11.2020 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 28.05.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

MAY 20, 2026

kk