



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

% Reserved on : 13.05.2026
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+ **FAO 193/2022**

SMT SAVITA AND ORS.Appellants
Through: Mr. Rajan Sood, Ms. Ashima Sood,
Ms. Megha Sood, Advocates
versus
UNION OF INDIARespondent
Through: Mr. Gaurav Sharma, SPC for UOI
with Ms. Manpreet Kour, Mr. Sachin
Singh, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 31089/2022 (seeking condonation of delay of 7 days in filing the appeal)

1. By way of the present application, the appellant seeks condonation of delay of 7 days in filing the appeal.
2. For the reasons stated in the application, the application is allowed and the delay of 7 days in filing the appeal is condoned.
3. The application is disposed of accordingly.

FAO 193/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987, against the judgment dated 08.03.2022, passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/DLI/283/2019.



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 necessary for adjudication of the present appeal are that on 08.10.2018, one Rajendra (hereinafter referred to as the “deceased”) was travelling from *Ballabgarh* to *Delhi* after purchasing a valid journey ticket. During the course of the said journey, he accidentally fell from the train near *Okhla* and sustained serious injuries on his head, as a result of which, he died on the spot.

4. Learned counsel appearing for the appellants submits that the Tribunal has discarded documentary evidence and that the contemporaneous railway and police records consistently establish recovery of a valid railway ticket from the person of the deceased and also records that the deceased had fallen while travelling from *Ballabgarh* towards *Delhi*. He further submits that the journey ticket recovered from the deceased stood verified by the railway authorities themselves and, therefore, the finding that the deceased was not a *bona fide* passenger is entirely unsustainable. Reliance has been placed upon *Union of India v. Rina Devi*¹, *Union of India v. Prabhakaran Vijaya Kumar & Ors*², and *Sh. Surendra Prasad Verma v. Union of India*³.

5. On the contrary, learned counsel for the respondent supports the impugned judgment and submits that the exact train involved in the incident could not be identified and no eyewitness has stated having seen the

¹ (2019) 3 SCC 572

² (2008) 9 SCC 527

³ (2014) SCC OnLine Del 2917



deceased falling from the train. It is submitted that the body was noticed only subsequently and, therefore, possibility of track crossing cannot be ruled out.

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

7. Coming first to the manner of occurrence, the DD No.5A dated 09.10.2018 recorded at PS *Hazrat Nizamuddin* specifically notes that information was received regarding one person having fallen from a train near *Okhla* Railway Station towards *Harkesh Nagar*, presumed to be dead, lying near the railway track. The said DD entry further records that the information was transmitted for investigation to ASI *Dal Chand*. The inquest proceedings specifically record that an unknown dead body aged about 55 years was found near KM Pole No.1525/18 near *Indra Camp, Okhla* Railway Station. The report further records that there were substantial head injuries and bleeding.

8. The statement of one *Chand*, relied upon during inquiry proceedings, merely records that while travelling from *Palwal* towards *Okhla*, he noticed a crowd near the railway track and saw one person lying near the railway line whereafter he informed the police authorities. The witness nowhere stated that he had seen the deceased crossing the tracks or suffering injuries otherwise than in a railway accident.

9. The incident occurred during intervening night hours and the body lying near the railway track remaining unnoticed for some time cannot by itself negate accidental fall from train. It is entirely possible that after boarding the last EMU train, the deceased accidentally fell near the *Okhla/HarkeshNagar* section and the body remained unnoticed during the



intervening hours. 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.

10. Applying the aforesaid principle to the facts of the present case, the delayed discovery of the body near KM Pole No.1525/18 does not dilute the appellants' case, particularly when the DD entries, inquest proceedings, post-mortem report, *jamatalashi* proceedings and recovery of valid railway ticket consistently support the occurrence of an "untoward" railway incident.

11. Coming onto the issue of the deceased being a *bona fide* passenger, the material placed on record probabilistically supports the appellants' version. A valid railway ticket was recovered from his possession during *jamatalashi* and the said ticket stood independently verified by the railway authorities themselves. The verification report issued by the Chief Ticket Supervisor, *Ballabgarh* categorically certifies that ticket No.M-55302458 had been issued from Booking Office *Ballabgarh* on 08.10.2018 from Counter No.8 during duty hours between 14:00 hrs and 22:00 hrs.

12. Equally significant is the RPF inquiry report dated 02.03.2020 prepared by the Office of Inspector, RPF Post *Hazrat Nizamuddin*. The said inquiry report records recovery of ticket No.M-55302458 dated 08.10.2018 from *Ballabgarh* to *Delhi Junction* from the possession of the deceased. Though the inquiry records the cause of incident as "unknown", nowhere



does it record that the deceased was trespassing or crossing the railway track.

13. As per the settled law, once recovery and verification of a valid railway ticket stood established from official records prepared in ordinary course of duty, a presumption necessarily arose in favour of *bona fide* travel. In *Rina Devi* (supra), the Supreme Court categorically held that once foundational facts regarding railway journey are probabilistically established, the burden shifts upon the Railways to establish applicability of statutory exceptions. In the present case, except for speculative suggestions, no evidence whatsoever has been brought on record by the respondent to establish suicide, criminal act, self-inflicted injury or trespassing.

14. 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) and 124-A of the Act.

15. Accordingly, the impugned judgment dated 08.03.2022 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.

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

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

**(MANOJ KUMAR OHRI)
JUDGE**

MAY 21, 2026/kk