



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

% Reserved on : 08.04.2026  
Pronounced on : 22.04.2026  
Uploaded on : 22.04.2026

+ **FAO 80/2021**

SH. RAVINDRA SINGH AND ANR. ....Appellants

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

versus

UNION OF INDIA ....Respondent

Through: Mr. Jinesh Kumar Tiwari, with Ms. Nandini  
Aggarwal and Ms. Samiksha, 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 impugned judgment dated 06.03.2018 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application OA II(u) No. 175/2017, titled as "Sh. Ravindra Singh & Ors. vs. Union of India".

2. Vide the aforesaid judgment, the Tribunal held the alleged incident to be an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act"), however, it dismissed the claim application filed by the appellants herein on the ground that the deceased was not a *bona fide* passenger as defined under the Act.



3. The brief facts of the case, as stated in the claim application, are that on 26.08.2016, one Sh. *Shubham Rawat* (hereinafter referred to as the “deceased”), along with his brother, was travelling from New *Delhi* to *Ghaziabad* on the strength of a valid journey ticket. While undertaking the said journey, due to a sudden jerk in the train, the deceased accidentally fell down at the *Shivaji Bridge* Railway Station, as a result of which, he sustained grievous injuries, and was subsequently taken to Dr. RML Hospital where he was declared “brought dead”.

4. Learned counsel for the appellants assails the impugned judgment by contending that the Tribunal has erred in rejecting the claim despite having recorded a categorical finding that the incident in question was an “untoward incident”. It is submitted that the finding regarding absence of *bona fide* travel is based solely on non-recovery of the journey ticket, while ignoring the consistent testimony of *Himanshu* (AW-2), and the surrounding circumstances borne out from the contemporaneous record.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by contending that no journey ticket was recovered from the body of the deceased and that the Tribunal has rightly drawn an adverse inference against the appellants. It is further submitted that in the absence of documentary proof of travel, the appellants have failed to establish that the deceased was a *bona fide* passenger, and therefore, no interference with the impugned judgment is warranted.

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

7. At the outset, it is noted that the Tribunal has returned a categorical finding that the death of the deceased occurred in an “untoward incident”.



The said finding is premised on the contemporaneous material on record, including the DD entry, which records that “a child had fallen from a train at *Shivaji Bridge* Railway Station”, as well as the MLC Report, which records the case as a “railway accident” and notes that the deceased was “brought dead” with multiple injuries consistent with a fall from a moving train. The said material, coupled with the absence of any suggestion of suicide or self-inflicted injury, clearly establishes that the incident arose out of an accidental fall during the course of train travel. The said finding has not been assailed and has, therefore, attained finality.

8. The controversy in the present appeal is thus confined to the issue as to whether the deceased was a *bona fide* passenger at the relevant time. In this regard, the appellants have led direct evidence through *Himanshu* (AW-2) who has categorically deposed that the deceased had purchased journey tickets for both of them and that they had boarded the train together. The said witness has remained consistent on the material aspects of purchase of ticket, travel and the manner of the incident, and nothing substantial has been elicited in his cross-examination so as to discredit his testimony. The explanation furnished by the appellants that the ticket, which was kept in the pocket of the deceased, was lost during the course of the accident, particularly when the clothes of the deceased were torn and removed during medical treatment, is a plausible explanation in the facts of the present case.

9. The Tribunal has, however, rejected the claim solely on the ground of non-recovery of the journey ticket and on the reasoning that other articles such as a mobile phone and bag were found intact. In the opinion of this Court, such reasoning is based on conjecture and is contrary to the settled position of law. It may also be noted that this aspect of loss of ticket in the



course of an accidental fall has been specifically dealt with by this Court in Jagveeri v. Union of India<sup>1</sup>, the relevant extracts wherefrom are as under:

*“This Court is of the view that the impugned order has erred in its reasoning that since a relatively higher object like a cell phone could still be on the body of the deceased. Rejection of the claim on this ground is not sustainable because a lighter object will always fly-off from the pocket if the unfortunate body is violently tossed about in a gruesome and fatal train accident. A heavier object like a cell phone being better ensconced, deeper in the pocket, is likely to stay in the pocket. Besides, the ticket could have been lost in the efforts of chance good Samaritans of the Railways or police officials or hospital authorities trying to ascertain the identity of the injured person by looking into the contents of his pockets.”*

10. It is well established as per the law laid down in Union of India vs. Rina Devi<sup>2</sup> that mere non-recovery of a ticket cannot be treated as determinative of the issue of *bona fide* travel. Once the occurrence of an untoward incident in the course of train travel stands established, the burden shifts upon the Railways to disprove *bona fide* travel. In the present case, the testimony of AW-2, read with the surrounding circumstances and contemporaneous record, sufficiently establishes the foundational facts of travel, and the respondent has failed to lead any evidence to rebut the same. The reliance placed on the DRM report, which was not proved in accordance with law, cannot displace such evidence.

11. 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

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<sup>1</sup> (2018) SCC OnLine Del 8552

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



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from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 07.05.2026.

12. The appeal is allowed and disposed of in the above terms.
13. A copy of this judgment be communicated to the learned Tribunal.

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

**APRIL 22, 2026**

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