



2026:DHC:1607



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

% Reserved on : 11.02.2026
Pronounced on : 23.02.2026
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+ **FAO 92/2022**

RAJVATI & ORS.Appellants
Through: Mr. Prasant Kumar Shisodia,
Advocate.

versus

UNION OF INDIARespondent
Through: Mr. Srivats Kashal, SPC for UOI,
with Mr. Vinod, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been instituted against the judgment dated 29.01.2020 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application No. OA/II(u)/GZB/199/2016.
2. *Vide* the aforesaid judgment, the Tribunal rejected the appellants' claim seeking compensation for the death of late *Sh. Sunil* (husband of appellant no. 1 and father of appellant nos. 2 to 6), concluding that his death occurred not due to a fall from a train but by coming in the grips of an unknown train in the yard while he was trespassing.
3. The case set up by the appellants before the Tribunal was that on 22.09.2015, the deceased boarded a train from *New Ghaziabad Railway*



Station to Mohiddinpur Railway Station. It was claimed that upon arrival at *Mohiddinpur*, while the deceased was in the process of de-boarding, the train suddenly started moving, causing him to slip from the footboard and fall, resulting in fatal injuries. The claimants stated that the deceased was travelling with a Monthly Season Ticket (hereinafter “MST”) which was lost in the accident.

4. The respondent contested the said claim by filing the DRM report and a Written Statement wherein it was stated that no incident of the sort had occurred at *Mohiddinpur Railway Station* on 22.09.2015 and, as such, the claim was not covered under Section 123(c) read with Section 124A of the Railways Act, 1989 (hereinafter the “Act”).

5. The Tribunal dismissed the claim application, holding that the appellants had failed to establish that the deceased died in an “untoward incident”. The Tribunal primarily relied upon the location of the body of the deceased in the yard and the nature of the injuries recorded in the post-mortem report to reach the said conclusion. It further rejected the appellants’ assertion that the deceased was a passenger of a train at the time of the incident in question.

6. Learned counsel for the appellants contended that the Tribunal erred by deciding the core issues against the appellants. He submitted that the status of the deceased as a *bona fide* passenger stands conclusively established in light of the details provided by CRIS, which confirm the issuance of an MST to the deceased that was valid for the journey undertaken on the date of the incident. It is further submitted that the Tribunal’s reliance on the location of the body in the yard to infer an act of trespassing is entirely misplaced, as such a circumstance does not, by itself,



negate the possibility of an accidental fall from a running train, a version which also finds support in the *panchnama*. The definition of “railway” under Section 2(31) of the Act includes yards along with railway tracks.

7. Learned counsel for the respondent, *per contra*, supported the impugned judgment and submitted that the discovery of the body of the deceased in between line nos. 3 and 4 of MUZ yard negates the appellants’ theory of an accidental fall while de-boarding a train.

8. A perusal of the record shows that the appellants’ claim regarding the deceased possessing a valid MST was corroborated by the Centre for Railway Information Systems (CRIS). Appellant no. 1 duly filed an affidavit deposing the foundational facts of the case: that the deceased held a valid MST, was travelling from *New Ghaziabad* to *Mohiddinpur*, and that the MST was lost in the accident when he fell due to a sudden jerk while attempting to de-board. As settled in *Union of India Vs. Rina Devi*¹, the mere absence of a ticket with the deceased does not negative the claim of them being a *bona fide* passenger, and the initial burden which rests upon the claimants can be discharged by filing of an affidavit stating the relevant facts. It is also deemed worthwhile at this stage to take note of the testimony of appellant no. 1 as AW-1, wherein, during cross-examination, she deposed that she had received a call from her husband/the deceased at 7:45 PM on the night of the incident, informing her that the train was delayed and that he would be late as a consequence. In the view of this Court, the initial burden as to the *bona fide* passenger status of the deceased was discharged.

9. The Tribunal, in the impugned judgment, relied primarily upon the

¹ (2019) 3 SCC 572



location of the body in the yard to hold that the deceased was a trespasser who, instead of falling from a train, had come in the grip of some unknown train. This finding was based on the loco pilot of Train No. 12180 UP/PRTP, reporting at 23:10 hours that the body of the deceased was lying between line nos. 3 and 4 of the MUZ yard at KM 55/19-20. However, a perusal of the Inquest Report/*panchnama* reveals a description placing the body in the middle of the platforms, which contradicts the conclusion that it was found in the yard.

10. A further observation made in the impugned judgment pertains to the physical injuries recorded in the postmortem report, specifically the crash injury and disfigurement of the right side of the face. The Tribunal interpreted these as proof that the deceased came in the grip of some unknown train while trespassing on the railway track, holding that such injuries could only be sustained if the deceased was on the railway track in the yard. However, a gainful reference in this regard may be made to the decision of the Coordinate Bench of this Court in *Rajpati Vs. Union of India*²:-

“7. No doubt, the body is found in a cut up position, however, it is not inconceivable that while falling from the train, the deceased could have got entangled in the steps and the wheels of the same train in which he was travelling and surely which type of incidents are not unknown. Therefore, the Tribunal cannot only on the ground that the body of the deceased was in a cut up condition hold that the case was a case of run over and not of falling from a train.”

This Court is of the view that the Tribunal erred in holding, solely on the basis of the nature of the injuries, that the present case was one of a run over rather than an accidental fall. Such an interpretation of the physical



condition of the body is speculative and arbitrary, not borne out of any cogent material on the record. Further, mere delay in identification is of no consequence as there is no dispute on the identity of the deceased.

11. Furthermore, it is pertinent to note that the *panchnama* records that the death appeared to have occurred either by falling from a train or coming under its grip (“*train se girkar ya train ki chapet me aakar*”). This expression does not conclusively establish trespass; rather, it keeps open both possibilities. In the considered opinion of the Court, the possibility that goes to the benefit of the appellant should be believed.

12. In the absence of any independent eyewitness testimony or cogent material indicating a deliberate crossing of tracks, the inference of trespass remains doubtful. This Court is reminded that the Act is a beneficial piece of legislation and should receive a liberal and wider interpretation instead of a narrow and technical one. The liability under Section 124A is strict, and contributory negligence on the part of the victim is not an acceptable defence (Ref: *Union of India Vs. Prabhakaran Vijaya Kumar*³). To deny compensation, as per the statutory scheme, the act in question must strictly fall under the ambit of a “self-inflicted injury” or a “criminal act”, which requires a much higher standard of proof than what has been proved by the respondent in the present case.

13. The respondent failed to examine the loco pilot who allegedly first noticed the body, the Guard, or any independent eyewitness who could substantiate the theory of trespass or a run-over. Though the respondent had relied on the statements of *Arvind Singh* (Asst. Station Master) and *Ravinder*

² 2014 SCC Online Del 2540

³ (2008) 9 SCC 527



Singh (loco pilot) to canvass the theory of the deceased being hit by a train, a further perusal of said statements would show that the same were recorded after much delay at the time of filing written statement. The DRM report itself was prepared after 90 days (Ref: *Nisha Devi & Ors. Vs. Union of India*⁴ and *Vikrant & Ors. Vs. Union of India*⁵). Upon a cumulative assessment of the evidence on record, this Court is of the view that the appellants have established the foundational facts, that the findings of the Tribunal are based on conjectures, and that the benefit of the doubt must be given to the appellants in the present case.

14. In view of the aforesaid, the impugned judgment is set aside, and the appellants are held to be entitled to compensation.

15. Accordingly, the Tribunal is requested to assess the compensation amount and direct the authorities to disburse the same within a period of 2 months. For this purpose, the matter shall be listed before the Tribunal at the first instance on 09.03.2026.

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

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

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 23, 2026

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⁴ 2026:DHC:369

⁵ 2022:DHC:004320