



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

% Reserved on : 08.09.2026
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+ **FAO 82/2023**

SMT. RISAL KAURAppellant
Through: Mr. Rajan Sood, Ms. Ashima Sood
and Ms. Megha Sood, Advocates
versus

UNION OF INDIARespondent
Through: Mr. Syed Husain Adil Taqvi, SPC

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 19.10.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the Tribunal”) in Claim Application No.OA/II(U)/DLI/338/2020 whereby the claim application filed by the appellant seeking compensation on account of the death of her son, *Satpal Singh* (hereinafter referred to as the “deceased”), came to be dismissed.

2. Briefly stated, the case of the appellant is that on 04.08.2019, the deceased was travelling from *Rohtak* to *Jhajjar* on the strength of a valid journey ticket. The deceased, as per the averments in the claim application, suddenly fell down from the train and was subsequently found dead in the intervening night of 04/05.08.2019 between *Dighal* and *Jhajjar*. The ticket



and other articles were recovered from his person.

3. The Tribunal, however, did not accept the claim that the deceased was a *bona fide* passenger who had died in an “untoward incident” within the meaning of the Railways Act, 1989 (hereinafter referred to as the “Act”) and dismissed the claim.

4. Learned counsel for the appellant submits that the finding regarding *bona fide* passenger status is contrary to the documentary evidence, particularly when the journey ticket recovered from the deceased was subsequently verified by the Railway authorities themselves. It is further submitted that the absence of an eyewitness to the actual occurrence cannot be treated as proof that no accidental fall took place. The DRM Report, according to learned counsel, does not establish that the deceased was crossing the railway track or that he was run over by any identified train, rather, it records that the manner of death remained unknown.

5. Learned counsel for the respondent, on the other hand, refutes the aforesaid submission and contends that there is no direct evidence of the deceased having fallen from any passenger train and that no railway official reported such an occurrence. It is contended that the place where the deceased was found and the circumstances noticed during the investigation do not establish an accidental fall from a train.

6. After hearing the rival contentions and going through the material placed on record, the first question which requires consideration is whether the deceased was a *bona fide* passenger. On this aspect, the evidence is not confined to the statement of the appellant. Four railway tickets were recovered from the person of the deceased. One of the tickets, bearing No. UAD93420235, pertains to the journey from *Rohtak* to *Jhajjar* on



04.08.2019 and its particulars were subsequently verified from the Railway records. The ticket was found to have been issued at *Rohtak* at about 17:54 hours on the date of the occurrence. The objection regarding the ticket, therefore, cannot be examined on the footing that the appellant subsequently introduced a ticket to support the claim. The relevant ticket was recovered from the deceased himself and its genuineness was thereafter verified from the Railway's own records. The doubt expressed by the Tribunal regarding the journey ticket consequently does not survive once the contemporaneous recovery and the subsequent verification by the Railway Administration are considered together.

Also, there is no material on record to show that the ticket so recovered was fabricated, unrelated to the deceased or incapable of connecting him with the journey in question.

7. Having held the deceased to be a *bona fide* passenger at the relevant time, the next substantial question is whether the death of the deceased falls within the expression "untoward incident" under Section 123(c) read with Section 124-A of the Act.

8. On this aspect, the Tribunal's conclusion appears to proceed substantially from the circumstances in which the body of the deceased was found in the middle of the track. The Railway inquiry nowhere states that the deceased was seen walking upon the railway track, crossing the track, or otherwise being present there immediately before his death. There is also no statement of any Guard, Loco Pilot or any other railway official who witnessed the deceased being struck by a train. Equally, no particular train has been identified as the train which caused the death.

9. This is important because the Railway's own inquiry does not arrive



at a positive finding that the deceased was run over. After considering the movement of the trains through the section and the statements of the concerned railway personnel, the inquiry records that no eyewitness or concrete evidence was available to ascertain how the deceased met his death and the occurrence was thus left as unknown.

10. The distinction between the two situations is material. A finding that the exact manner of death has not been established is one thing and a finding that the deceased was seen on the track and was thereafter run over is quite another. The latter conclusion requires some evidence in its support and the former cannot, by itself, supply that missing evidence.

11. A similar issue arose before this Court in “Bhoori Devi & Ors. v. Union of India”¹, wherein the Tribunal had inferred a run-over merely from the place where the body was found and the injuries noticed on the deceased. This Court held that in the absence of direct evidence showing that the deceased was walking on the railway track and was thereafter run over, the location of the body could not be treated as conclusive of the manner of occurrence. Similarly in “Sh. Badshah & Anr. v. Union of India”², this Court noticed that there was no eyewitness, no statement of the Guard, Loco Pilot or railway official showing that the deceased was on the track, and no contemporaneous railway record ruling out a fall from a train. The Court held that such circumstances could not be elevated from an inference into proof of “run over”.

12. The principle is particularly relevant here because the DRM Report, instead of establishing an alternative manner of death, expressly leaves the

¹(2026) SCC OnLine Del 7077

²(2026) SCC OnLine Del 2015



manner of occurrence undetermined. The report therefore cannot be read selectively as its reference to the trains which passed through the section cannot be treated as proof of a run-over when its ultimate conclusion is that there was no concrete evidence to ascertain how the death occurred. The absence of an eyewitness also cannot be given the significance attached to it by the Tribunal. An accidental fall from a moving train is not an occurrence which must necessarily be witnessed by another passenger or noticed by railway personnel.

13. Section 124-A does not require the claimant to reconstruct the accident with mathematical precision. The liability under the provision is one of strict liability, subject to the statutory exceptions. The Supreme Court in “Union of India v. Prabhakaran Vijaya Kumar”³ (2008) 9 SCC 527, has recognised that the provision is a beneficial one and that an accidental fall of a passenger from a train constitutes an “untoward incident”. The approach, therefore, cannot be so restrictive that a claim fails merely because no person happened to witness the precise moment at which the passenger fell.

14. Lastly, once the deceased’s *bona fide* passenger status is established, the question is not whether the appellant can produce an eyewitness to the fall. The question is whether the material on record affirmatively establishes circumstances which take the case outside Section 124-A. Here, there is no evidence of suicide, self-inflicted injury, intoxication, insanity or any criminal act attributable to the deceased, nor is there material establishing that he had deliberately entered upon the railway track.

15. Accordingly, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to assess the amount of

³(2008) 9 SCC 527



2026:DHC:8239



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 22.10.2026.

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

SEPTEMBER 23, 2026

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