



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

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+ **FAO 206/2022**

VIJENDER SINGH & ANR.Appellant
Through: Mr. Shadab Khan, Advocate

versus

UNION OF INDIARespondent
Through: Ms. Pratima N. Lakra, CGSC with
Ms. Upanita S., Advocate

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 15.11.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter the "Tribunal") in Claim Application No. OA II(u) No. 56/2016.
2. Vide the impugned judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased was neither a *bona fide* passenger nor did the alleged incident qualify as an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").
3. The brief facts of the case, as set out in the claim application, are that on 27.11.2015, one Sh. *Ankush Kumar* (hereinafter referred to as the



“deceased”) was travelling from *Saharanpur* to *Shamli* by Train no. 14546 (DN Express) on the strength of a second-class journey ticket. It was the case of the appellants that upon the train reaching near *Shamli* Railway Station, due to heavy rush and jostling inside the compartment, the deceased accidentally fell from the running train and sustained grievous injuries, to which he succumbed.

4. Learned counsel for the appellants assailed the impugned judgment contending that the Tribunal erred in rejecting the claim application by holding that the incident in question does not fall within the ambit of an “untoward incident”. It was submitted that the deceased had undertaken a lawful journey on the strength of a valid ticket, which was lost in the course of the accident, and that mere non-recovery of the ticket cannot be treated as conclusive against the claimants. It was further contended that the deceased, owing to heavy rush and jostling inside the compartment, accidentally fell from the running train, and thus, the case squarely falls within the scope of an “untoward incident”. Reliance was placed on the settled position in *Union of India vs. Rina Devi*¹ to contend that strict proof of ticket is not required once foundational facts are established.

5. Per contra, learned counsel for the respondent supported the impugned judgment and submitted that the Tribunal has rightly rejected the claim in view of the material on record. It was contended that no journey ticket was recovered during the *jamatalashi* of the deceased and the version of *bona fide* travel is not substantiated by any cogent material. It was further submitted that the contemporaneous railway record, including the statement of the loco pilot, DRM/RPF investigation report and other official

¹ (2019) 3 SCC 572



documents, clearly establish that the deceased was not a victim of fall from a train, but had come on the railway track from the wrong side and was run over by the engine.

6. This Court has heard the arguments addressed on behalf of both the parties and has perused the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration before this Court are whether the injuries sustained by the deceased were on account of an “untoward incident”, and whether the deceased was a *bona fide* passenger.

8. A perusal of the material placed on record would show that the version set up by the appellants of an accidental fall from a running train rests primarily on the affidavit and testimony of one *Deepak Malik* (AW-2), who claims to be an eye-witness to the occurrence and stated that the deceased fell from the train due to a push from the crowd however, as also noted by the learned Tribunal, his version does not inspire confidence as it does not find support from the contemporaneous official record and, on the contrary, stands contradicted by the same. Notably, the said witness admits that no journey ticket has been produced and his presence itself is not corroborated by any independent material on record. His version that remains a bare assertion, unsupported by any contemporaneous document.

9. In contrast, the statement of *Chaman Lal*, loco pilot of Train No. 14546, recorded in the discharge of official duty and in close proximity to the occurrence, assumes considerable evidentiary value. The said witness has categorically stated that “he had seen the deceased coming from the wrong side and that the deceased was hit by the engine”. It has further been



noted that the train was running at a speed of about 30 km/hr at the relevant time. There is nothing on record to discredit the said version, which inspires confidence, having been made in discharge of official duty.

10. Furthermore, the aforesaid version stands duly corroborated by the contemporaneous railway record, including the DRM report and allied documents placed on record, which consistently record that the deceased had died while crossing the railway line near *Shamli* Railway Station. The consistent position emerging from the said documents is that the incident was in the nature of a “run-over” and not an accidental fall from a running train. The documents relied upon by the appellants, including the claim application and oral assertions, merely set out the version of accidental fall, however, the same are not supported by any cogent or contemporaneous evidence. It is well settled that though strict rules of evidence may not apply in such proceedings, the version put forth must nevertheless find some support from the record, which is conspicuously absent in the present case. The cumulative effect of the material on record, therefore, clearly militates against the plea of accidental fall.

11. In view of the aforesaid, this Court finds that the version of accidental fall from a running train is not substantiated. The material on record clearly establishes that the deceased was “run over” while crossing the railway track and, therefore, the incident does not fall within the ambit of an “untoward incident” as defined under Section 123(c) of the Act.

12. Once this Court arrives at a finding that the occurrence itself does not fall within the ambit of an “untoward incident”, the statutory liability under Section 124-A does not arise and the said finding, in itself, is sufficient to non-suit the appellants, and therefore, the question of the deceased being a



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bona fide passenger need not be delved into and does not warrant further examination.

13. Therefore, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

14. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

APRIL 24, 2026

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