



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

% Reserved on : 18.03.2026
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+ **FAO 173/2025**

LAXMI & ORS.

.....Appellants

Through: Mr. Rohit Saraswat, Ms. Mansi Rose
Taneja and Mr. Shaleen Bareja,
Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Abhishek Maratha, SPC (UOI),
Mr. Amit Acharya, GP, Ms. Nupur
Sharma, 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 judgment dated 10.09.2024 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/DLI/86/2024.
2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellants herein on the ground that the deceased had committed suicide and was neither a *bona fide* passenger nor was the alleged incident an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").



3. The brief facts of the case are that, on 26.04.2023, one *Sh. Sompal* (hereinafter referred to as the “deceased”) was travelling from *Haridwar* to *Moradabad* on the strength of a valid journey ticket and while undertaking the said journey, he fell from the running train between *Nagina* and *Puraini* Railway Stations and sustained grievous injuries. Thereafter, he was run over by another train and died on the spot.

4. Learned counsel for the appellants assails the impugned judgment by contending that the deceased was a *bona fide* passenger, as is evident from the recovery of a valid journey ticket. It is submitted that there is no eye witness to the said incident, and the finding of suicide is based on the testimony of the loco pilot, which is unreliable and suffers from material contradictions. It is further submitted that he, in his memo, did not state that the deceased had jumped in front of the train, and such assertion appears to have been introduced subsequently in his affidavit. Learned counsel further emphasized that the Tribunal failed to appreciate that the nature of injuries is consistent with an accidental fall from a train, which squarely falls within the definition of an “untoward incident”.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by submitting that the deceased had committed suicide by jumping in front of a goods train, as recorded in the DRM report and the statement of the loco pilot. It is contended that the nature of injuries and the location of the incident clearly indicate that he was not travelling in the said train and had instead come onto the track. It is thus submitted that the case falls within the exception of self-inflicted injury or suicide under Section 124-A of the Act, and therefore, no compensation is payable.

6. This Court has heard the arguments of both the parties and perused



the material on record.

7. In the backdrop of the above facts, the two issues that arise for consideration are whether the deceased was a *bona fide* passenger, and, whether the alleged incident was an “untoward incident” as defined under the Act.

8. Insofar as the issue of *bona fide* passenger is concerned, it is an admitted position that a railway journey ticket bearing No. UAF 02392738 was recovered from the person of the deceased, and the same has been further reflected in the General Diary entries and the statutory investigation conducted by the Railways. The ticket was further verified from the booking office, confirming its issuance on 26.04.2023 at 19:53 hours. In view of the law laid down in *Union of India vs. Rina Devi*¹, once such material is brought on record, the burden shifts upon the railways to disprove *bona fide* travel. In the absence of any evidence to the contrary, and having regard to the recovery and verification of the journey ticket, this Court is of the view that the deceased would fall within the meaning of a *bona fide* passenger under the Act.

9. The next issue that falls for consideration is whether the incident in question can be brought within the ambit of an “untoward incident” as defined under the Act. The Tribunal has proceeded on the premise that the deceased had committed suicide by jumping in front of a goods train. However, a perusal of the contemporaneous record does not support such a finding. The statement of *Mayank Chauhan*, Station Master, *Puraini* Railway Station, indicates that the loco pilot of the goods train, upon arrival at the station, informed him through a written memo that a person had been

¹(2019) 3 SCC 572



“run over” on the down line between *Nagina* and *Puraini* at KM No.1473/30-28 at 23:07 hours. Similarly, the statements of the Station Superintendent, *Nagina*, as well as the RPF daily diary entries, consistently describe the occurrence as a case of “run over” (MRO), without attributing the incident to suicide.

10. The evidentiary value of such contemporaneous records cannot be understated, as they constitute the earliest version of the incident and are free from subsequent improvements or developments. Notably, none of these records record that the deceased had “jumped in front of the train”. The Tribunal has, however, relied upon the testimony of *Kuldeep Kushwaha* (RW-1), the loco pilot. A careful scrutiny reveals that RW-1, in his cross-examination, has admitted that in the memo furnished by him immediately after the incident, he had not stated that the person had jumped in front of the train. The assertion regarding “jumping” appears for the first time in his affidavit, and the said improvement materially affects the credibility of the witness, particularly when it is inconsistent with the contemporaneous official record.

11. Even the DRM report, though concluding that the deceased committed suicide, is founded primarily on the aforesaid statement of the loco pilot and on inferences drawn from the surrounding circumstances. The report itself records the recovery of a valid journey ticket from the deceased, and notes that the initial information received was only of a person being “run over”. The conclusion of suicide, therefore, is not based on any direct or independent evidence. It is also not in dispute that there is no eyewitness to the alleged act of suicide.

12. In light of the foregoing discussion, and in the absence of any cogent



evidence to establish suicide, this Court finds that the version put forth by the appellants, that the deceased accidentally fell from a running train, and, was thereafter run over, being consistent with the material on record, appears more probable and merits acceptance. The said factual position, therefore, squarely brings the case within the ambit of an “untoward incident” as defined under the Act.

13. It is well settled that the provisions relating to compensation under Section 124-A of the Act constitute a piece of beneficial legislation and must be construed liberally. In Union of India vs. Prabhakaran Vijaya Kumar², the Supreme Court held that once the occurrence of an “untoward incident” is established, the liability of Railways is strict unless the case falls within the statutory exceptions.

14. 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 from the receipt of a copy of this order. For this purpose, the matter be listed before the Tribunal at the first instance on 06.04.2026.

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

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

MANOJ KUMAR OHRI
(JUDGE)

MARCH 27, 2026

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²(2008) 9 SCC 527