



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

% Reserved on : 27.04.2026  
Pronounced on : 29.04.2026  
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+ **FAO 86/2021**

SH BADSHAH & ANR. .... Appellants

Through: Mr. Rohit Nagar, Advocate

versus

UNION OF INDIA .... Respondent

Through: Mr. Subhash Tanwar, SPC for UOI  
with Mr. Sandeep Mishra, Mr. Harshit  
Deshwal, Mr. Mohit Kumar Tomar  
and Mr. Mayank Sehrawat,  
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 05.12.2019 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(U)/GZB/228/2018, titled as "*Badshah & Anr. vs. Union of India*".

2. Vide the impugned judgment, the Tribunal dismissed the claim primarily on the ground that the incident in question was not an "untoward incident" within the meaning of the Railways Act, 1989 (hereinafter referred to as the "Act") and consequently, did not return any finding on the issue of



*bona fide* travel.

3. The brief facts of the case, as stated in the claim application, are that on 07.02.2018, one *Shahid* (hereinafter referred to as the “deceased”) purchased a valid journey ticket for travelling from *Garhi Harsaru* to *Hathras* Junction, and on 08.02.2018, he de-boarded at *Aligarh* for change of train, and thereafter boarded Train No. 54462 (*Bareilly-Bandikui* Passenger) Train, and while approaching *Pora*, he accidentally fell from the running train and sustained injuries, due to which he died on spot.

4. Learned counsel for the appellants assails the impugned judgment by contending that the Tribunal has disregarded the contemporaneous record, including the inquest proceedings, the railway investigation, and the post-mortem report. It is submitted that the railways’ own investigation records recovery of the journey ticket from the person of the deceased, which conclusively establishes *bona fide* travel. It is further contended that the finding of “run-over” is based on conjecture, there being no eyewitness, no loco pilot evidence to negate a fall, and no medical opinion ruling out a fall from a train. Reliance is placed on the principle that accidental fall from a running train squarely falls within Section 123(c) read with Section 124-A of the Act and that once foundational facts are established, the burden shifts to the Railways to disprove the same.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment and submits that the location of the body on the track and the nature of injuries suggest a “run-over” case, and that there is no direct eyewitness to a fall. It is further submitted that the Tribunal has rightly inferred that the deceased was not travelling in the train at the relevant time.



6. This Court has heard learned counsel for the parties and perused the material on record.
7. The first aspect that arises for consideration is the manner of occurrence and whether the death falls within the ambit of an “untoward incident” under Section 123(c) of the Act.
8. A perusal of the record indicates that first information regarding an unknown dead body was received and the body of the deceased was found lying in between of the railway track at Km No. 1285/20-18 in the vicinity of *Pora* Railway Station, and the inquest papers/*panchnama* record the same location. The railway investigation also proceeds on the basis of recovery of the body from the track in the said section. Notably, there is no material placed on record to show that the deceased was “crossing the track” or “was present on the track” for any reason unconnected with train travel.
9. The Tribunal has treated the case as one of “run over” primarily on the basis of the location of the body and the nature of injuries. However, the record does not disclose any direct evidence supporting such conclusion. There is no eyewitness account or any statement of guard, driver or any railway official indicating that the deceased was seen “on the track” prior to the incident, and no contemporaneous railway record ruling out a fall from a train, and the finding to the aforesaid is thus only inferential in nature. The post-mortem report opines the cause of death as shock and haemorrhage consequent to the said injuries, and does not opine that the injuries are exclusively consistent with a “run-over” nor does it rule out a fall from a running train. Equally, there is no material to suggest homicidal death, and in the absence of any medical or investigative material indicating otherwise, the hypothesis of “murder” or any third-party involvement is wholly



conjectural and cannot be sustained.

10. It is well-settled that accidental falling of a passenger from a train, including while boarding or alighting, is an “untoward incident” within the meaning of Section 123(c) read with Section 124-A of the Act. Once the occurrence is shown to be in the course of train movement on railway premises and there is no proof of any of the statutory exceptions, the liability of the railways becomes strict in nature, and the claim cannot be defeated on mere speculative reasoning. (Ref: Union of India vs. Prabhakaran Vijaya Kumar<sup>1</sup>)

11. In the present case, the consistent contemporaneous material shows the recovery of the body from the railway track in the concerned section, absence of any evidence of trespass/crossing, and medical evidence of ante-mortem injuries without exclusion of a fall. The Tribunal has, therefore, erred in elevating inference to proof and in rejecting the case of accidental fall in the absence of contrary evidence.

12. The next aspect pertains to the status of the deceased as a *bona fide* passenger.

13. The Tribunal has not returned any finding on this issue. However, the record clearly establishes that a journey ticket bearing No. L-78484240 was recovered from the person of the deceased. This recovery is recorded in the railway’s own DRM report and forms a crucial part of the inquest material, and the said document has not been disputed by the respondent.

14. The recovery of a valid journey ticket from the person of the deceased constitutes strong and direct evidence of *bona fide* travel. In Union of India

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<sup>1</sup> (2008) 9 SCC 527



*vs. Rina Devi*<sup>2</sup>, the Supreme Court has held that once foundational facts relating to the *bona fide* travel are established, the burden shifts to the Railways to disprove the same.

15. The respondent has failed to dislodge the said presumption, and there is no material to suggest that the ticket was fabricated or unrelated to the deceased. On the contrary, the railway's own record acknowledges the recovery. In such circumstances, the status of the deceased as a *bona fide* passenger stands duly established.

16. The Tribunal has also not considered the sequence of travel as set out in the claim application and affidavit, namely, purchase of ticket on 07.02.2018, boarding from *Garhi Harsaru*, change at *Aligarh*, and onward journey by Train No. 54462, read with the place of occurrence near *Pora*, which lies on the route towards *Hathras* Junction. The said sequence is undoubtedly consistent with the recovery of the ticket and the place where the body was found. The absence of an eyewitness has been treated by the Tribunal as a determinative factor, and this approach is contrary to the settled position that claims under Section 124-A are to be adjudicated on the basis of preponderance of probabilities and contemporaneous record, and not on strict proof as in criminal trials. Where the documentary material points towards a "fall from a train" and there is no evidence of any statutory exception, the claim cannot be rejected for want of direct testimony.

17. This Court is, therefore, of the considered opinion that the death of the deceased occurred due to an accidental fall from a running train and squarely falls within the definition of an "untoward incident" under Section 123(c) of the Act, and that the deceased was a *bona fide* passenger holding a

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



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valid journey ticket at the time of the incident.

18. The contrary finding returned by the Tribunal is based on misappreciation of evidence, and therefore cannot be sustained.

19. 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 12.05.2026.

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

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

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

**APRIL 29, 2026**

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