



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

% Reserved on : 18.03.2026
Pronounced on : 27.03.2026
Uploaded on : 27.03.2026

+ **FAO 173/2025**

LAXMI & ORS.Appellants
Through: Mr. Rohit Saraswat, Ms. Mansi Rose
Taneja and Mr. Shaleen Bareja,
Advocates.

versus

UNION OF INDIARespondent
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”).



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



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.

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

FAO 173/2025



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