



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

% Reserved on : 18.03.2026
Pronounced on : 19.03.2026
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+ **FAO 31/2022**

DHARAMAWATIAppellant
Through: Mr. Rajan Sood, Advocate

versus

UNION OF INDIARespondent
Through: Mr. Harsh Kumar, SPC (UOI), Ms.
Sikha Gogoi, Mr. Himanshu Bidhuri
and Mr. Neel Kr. Sharma, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

CM APPL. 7466/2022 (Seeking condonation of delay of 141 days in filing the appeal)

1. By way of the present application, the applicant/ appellant seeks condonation of delay of 141 days in filing the appeal.
2. However, in the order dated 10.02.2022, it was observed that in view of the orders of the Hon'ble Supreme Court in *Suo Moto Writ Petition (Civil). No. 3 of 2020* extending the period of limitation, there was no delay in filing the appeal.
3. Therefore, in view of the above, the present application has been rendered infructuous.



FAO 31/2022

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 22.03.2021 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the “Tribunal”) in Claim Application No. OA/II(U)/DLI/71/2021 titled as “Smt. Dharamawati vs. Union of India”.

2. Vide the aforesaid judgment, the Tribunal dismissed the claim application filed by the appellant herein on the ground that the deceased 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, as stated in the claim application, are that on 15.06.2018, one *Bunty* (hereinafter referred to as the “deceased”) was travelling from *Tughlakabad* to *Palwal* by a local EMU train on the strength of a valid journey ticket. While the train was running between *Ballabhgarh* and *Asaoti* Railway Stations, the deceased, due to a jerk, fell from the train and sustained grievous injuries, to which, he succumbed at the spot.

4. Learned counsel for the appellant assails the impugned judgment by contending that the deceased was a *bona fide* passenger and that the incident in question was an “untoward incident” as defined under the Act. It is submitted that although the journey ticket was not recovered from the body of the deceased, the testimony of AW-2, *Mahesh Kumar*, the brother-in-law of the deceased establishes that the deceased undertook the journey on the strength of a valid ticket, which was purchased by AW-2 for him. It is further submitted that the finding of the Tribunal regarding the body having been found after 12 hours is misconceived, as the mere fact that the body



was noticed later does not discredit the case of accidental fall from the train. Learned counsel further emphasized that even as per the DRM report, the case of the Railways is that the deceased fell from a running train, though attributing the same to negligence, which is immaterial and that, such a fall squarely falls within the ambit of an “untoward incident”.

5. *Per contra*, learned counsel for the respondent supports the impugned judgment by submitting that the deceased was not a *bona fide* passenger as no ticket was recovered from the person of the deceased, and the dead body was found nearly 12 hours after the alleged fall, which renders the appellant’s version doubtful. It is further submitted that as per the statements recorded during investigation, including that of the brother of the deceased, the deceased was under mental stress due to lack of employment. Reliance is also placed on the inquest report to contend that the injuries sustained were consistent with the deceased having been run over by a train while crossing the railway track and not due to a fall from a running train.

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. It is an admitted position that no journey ticket was recovered from the body of the deceased during *jamatalashi*. However, as per the settled law in Union of India vs. Rina Devi¹, the absence of recovery of a ticket does not negate the claim of the deceased being a *bona fide* passenger. In the present

¹ (2019) 3 SCC 572



case, AW-2 has categorically deposed that he had accompanied the deceased to *Tughlakabad* Railway Station, purchased a journey ticket for him to travel from *Tughlakabad* to *Palwal* and made him board the EMU passenger train at about 9:45 PM on 15.06.2018. The said testimony has remained consistent and has not been discredited in cross-examination. Even, AW-1, *Dharamawati*, the mother of the deceased, has deposed that the deceased had gone to visit his sister and was returning on the said date. In view of the aforesaid, the appellant has been able to discharge the initial burden of establishing that the deceased was a *bona fide* passenger. The respondent has failed to rebut the same by placing any cogent evidence on record. The Tribunal, therefore, erred in rejecting the claim solely on the ground of non-recovery of the journey ticket.

9. Further, the respondent has sought to rely upon the statement of the brother of the deceased to contend that the deceased was under mental stress due to lack of employment. This Court finds that the said contention is wholly inconsequential and that, there is no material on record to suggest that such alleged stress was of such an extent so as to lead to any extreme conduct. There is neither any reference to suicidal tendencies nor any evidence to establish any nexus between such alleged stress and the incident in question. The said circumstance, therefore, cannot be relied upon to discredit the case of the appellant.

10. Insofar as the manner of the incident is concerned, the Tribunal has proceeded on the premise that the deceased was run over by a train while crossing the railway track, relying upon the inquest report and the opinion of the SHO as well as the conclusion drawn in the GRP investigation. The GRP report, rather suggests that the deceased may have fallen from the train.



Further, a perusal of the inquest report shows that the first information regarding the dead body was received on 16.06.2018 at about 9:35 AM, when an unknown body was found lying near the UP main line between *Ballabgarh* and *Asaoti* Railway Stations at Km No. 1494/9-7. The opinion recorded therein, notes that the death occurred due to injuries sustained in a railway accident and that the possibility of such injuries being caused in a “railway accident cannot be ruled out”. The SHO’s opinion, based on the condition of the body, is not that of an eyewitness account but is only speculative in nature, and thus cannot be treated as conclusive proof.

11. Significantly, even as per the DRM report, the case of the Railways is that the deceased fell from a running train, though attributing the same to his own negligence. Once the factum of fall from a running train is accepted and the nature of the incident stands established, the same would squarely fall within the ambit of an “untoward incident” as defined under Section 123(c) of the Act. The attribution of negligence to the deceased does not alter this position, as, it is well settled that negligence of the victim is not a relevant consideration for denying compensation under Section 124-A of the Act. The liability of the Railways in such cases is strict, subject only to the statutory exceptions, none of which are attracted in the present case.

12. The Tribunal has also placed reliance on the circumstance that the dead body was noticed at about 9:35 AM on the following day, i.e., nearly 12 hours after the deceased had boarded the train at about 9:40 - 9:45 PM. In *Surendra Verma vs. Union of India*², it has been held that mere delay in the recovery or discovery of the body cannot, by itself, be a determinative factor to disbelieve the case of accidental fall, particularly in the absence of any

² 2014 SCC Online Del 2917



cogent evidence to the contrary. Applying the said principle to the facts of the present case, the precise time at which the deceased fell from the train is not known, and therefore, the mere fact that the body was noticed after some time cannot lead to an adverse inference against the claimant or discredit the appellant's version.

13. Considering the foregoing discussion, this Court is of the view that the Tribunal, in the present case, adopted an unduly rigid standard of proof, overlooking the beneficial object of the Act and the settled principle that proceedings thereunder are intended to provide prompt and efficacious relief to the victims of railway accidents.

14. 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 Kumar³, 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. Similarly, in Union of India vs. Rina Devi (supra), it was held that the non-recovery of a ticket is not itself sufficient to defeat a claim for compensation.

15. 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 30.03.2026.

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

³ (2008) 9 SCC 527



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

**MANOJ KUMAR OHRI
(JUDGE)**

MARCH 19, 2026

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