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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 316/2025 & CM APPL. 72435/2025**

MUNESH & ORS.

.....Appellants

Through: Mr. Rajan Sood, Ms. Ashima Sood and
Ms. Megha Sood, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Kunal Raj, Advocate alongwith
and Mr. Govil Upadhyay, G.P. for Mr.
Shashank Dixit, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **19.11.2025**

CM APPL. 72436/2025 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

CM APPL. 72435/2025 (Delay)

3. For the reasons stated in the appeal, the delay of 460 days in filing the appeal is condoned.
4. The application is allowed and disposed of.

FAO 316/2025

5. This is the first appeal under Section 23 of the Railway Claims Tribunal Act, 1987 seeking setting aside of the impugned judgment dated 16.04.2024 passed by the Railway Claims Tribunal, Delhi, in Case No.OA/II/U/DLI/350/2023 titled as "*Smt. Munesh & Ors. vs. Union of India*" whereby the claim of the appellant was rejected on the ground that the



deceased was neither a *bona fide* passenger nor had died in the incident by falling from a passenger train which is an untoward incident as defined under Section 123(C)(2) read with Section 124(A) of the Railways Act, 1989.

6. Learned counsel appearing for the appellant submits that the impugned judgment is contrary to the well founded judgment of the Hon'ble Supreme Court in ***Union of India vs. Rina Devi***, reported in ACJ 1441,2018 and he particularly relies upon para 17.4 which holds as under:

“We thus hold that mere presence of a body on the Railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.”

7. He submits that in the present case too, even though the ticket was not found on the person of the deceased, yet the circumstances taken note of in the judgment of ***Rina Devi (supra)*** would also cover the present case, inasmuch as the appellant/claimant had furnished an affidavit in terms of the ratio laid down by the Hon'ble Supreme Court in aforesaid case.

8. That apart, learned counsel also submits that there is no dispute that the body of the deceased was found on the railway track which would fall within the definition of 'railway premises' as per the Railways Act, 1989. He further submits that merely because no witness was found would not *ipso facto*, dilute the fact that the deceased was indeed found on the railway tracks and had been run over by a train. He submits that the learned Tribunal overlooked the essential facts and therefore, the impugned judgment ought to be interfered with and quashed.



9. Issue notice to the respondents, returnable before the next date of hearing.
10. Mr. Kunal Raj, proxy counsel appears for Mr. Shashank Dixit, learned CGSC for respondent/UOI and accepts notice.
11. List for consideration on 24.03.2026.
12. The TCR be summoned in the meanwhile before the next date of hearing. The same be digitized, bookmarked and appended with the present appeal.

TUSHAR RAO GEDELA, J

NOVEMBER 19, 2025

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