



2026:DHC:8823



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

% Reserved on : 15.09.2026
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CNR No. DLHC015650262015

+ **FAO 15/2016**

ANITA DEVI

.....Appellant

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

versus

UNION OF INDIA

.....Respondent

Through: Mr. Kushagra Kumar, SPC with
Mr. Anmol Ghai and Mr. Rudra
Paliwal, GPs.

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 17.03.2015 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/168/2013, whereby the claim application filed by the appellant seeking compensation on account of death of her mother, *Renu Devi* (hereinafter referred to as the "deceased"), came to be dismissed.



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2. Briefly stated, the claim application was filed in respect of an incident dated 12.06.2013 involving the deceased, who was stated to have been travelling from New Delhi to Muzaffarpur Jn., in the general compartment of *Swatantrata Senani* Express. The case of the appellant was that the deceased, on account of a sudden jerk and pushing by other passengers in the crowded compartment, fell from the slowly moving train when it reached *Kanchosi* Railway Station and sustained fatal injuries. The deceased was carrying a valid journey ticket which was recovered from her person.

3. Before the Tribunal, the appellant examined herself as AW-1 and relied upon, inter alia, the Station Master's memo, post-mortem report, journey ticket and other documents. The respondent, on the other hand, relied upon the DRM report and its enclosures. The Tribunal, while considering the issues relating to *bona fide* passenger status and the occurrence of an "untoward incident", noticed that the journey ticket had been recovered from the deceased. However, it proceeded to hold that the recovery of the ticket, even if accepted, did not establish that the deceased had actually travelled by the train or that she had suffered an accidental fall therefrom and consequently, dismissed the claim.

4. Before this Court, Mr. Sood, learned counsel for the appellant submitted that the Tribunal erred in treating the recovery of the journey ticket as of no consequence merely because the manner in which the deceased sustained the injuries was in dispute. It is submitted that a valid journey ticket was recovered from the person of the deceased and the recovery is specifically reflected in the record.



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Learned counsel further submitted that the respondent failed to lead any cogent evidence and that the alternative theory of the deceased having been run over while crossing the track is not supported by either any eyewitness or any material identifying the train which allegedly caused the run-over.

5. *Per contra*, learned counsel for the respondent, while objecting to the aforesaid submissions, contended that mere recovery of a ticket does not establish that the deceased had boarded the particular train or that she had fallen from it. Learned counsel further submits that the manner of occurrence as well as the nature of the injuries, coupled with the inquest and other investigation material, supports the conclusion that the deceased was run over.

6. Having considered the rival submissions and perused the material on record, the first question which arises is whether the deceased was a *bona fide* passenger. The legal position in this regard is well settled. Mere absence or non-recovery of a journey ticket cannot, by itself, be treated as conclusive against the claimant. The Supreme Court has held that the initial burden can be discharged by placing the relevant facts and attending circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by cogent evidence. (Ref: “Union of India v. Rina Devi”¹) The same principle has subsequently been reiterated in “Lata v. Union of India”² and “Sukhabhai Nanjibhai Makwana & Anr. v. Union of India”³.

7. In the present case, there is, however, considerably more than

¹ (2019) 3 SCC 572

² 2026 SCC OnLine SC 1350

³ 2026 INSC 1056



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what ordinarily arises in a case where the ticket is not recovered. The ticket bearing No. X-56187454 was actually recovered from the person of the deceased and the factum of such recovery is recorded in the inquest proceedings. The copy of the ticket placed on record also shows that it was issued from New Delhi on 11.06.2013. The Tribunal itself noticed these circumstances. Having noticed the recovery, the Tribunal proceeded to hold that the ticket was of no consequence since the accidental fall had not been established. In the opinion of this Court, the dispute regarding the manner of the accident could not render the recovered ticket irrelevant for determining the deceased's *bona fide* status. The respondent has also failed to prove to show that the ticket did not belong to the deceased or that she was not travelling as a passenger. The finding of the Tribunal on this aspect, therefore, is set aside.

8. The next question is whether the deceased sustained fatal injuries in an accidental fall from the train so as to constitute an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

9. The Tribunal, while holding that the deceased had been run over, mainly relied upon the nature of the injuries and the entries in the inquest and other police papers. However, there is neither a statement of any loco-pilot nor an eyewitness to indicate that the deceased was crossing the railway track or that she was run over by any particular train. The nature of the injuries by itself cannot establish that the deceased had been crossing the track. In the absence of any such evidence, the Tribunal could not have rejected the case of accidental



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fall merely on the basis of an inference drawn from the injuries. The fact that the exact manner of the fall could not be proved by an eyewitness cannot, in the facts of the present case, be treated as sufficient to reject the claim.

10. A similar view has been taken by this Court in catena of decisions wherein it has been observed that the theory of a passenger having been run over could not be accepted merely on the basis of the location of the body or the nature of the injuries, particularly when there was no eyewitness or other material showing that the deceased had entered the railway track or identifying the train which had allegedly caused the run-over. The same reasoning would apply to the present case.

11. The provisions relating to compensation for an untoward incident are beneficial in nature. The Supreme Court in “Union of India v. Prabhakaran Vijaya Kumar & Ors.”⁴, has held that the liability under Section 124-A is strict and cannot be defeated by requiring the claimant to prove the incident in the manner of a criminal trial. In the present case, the deceased was a *bona fide* passenger, her journey ticket was recovered from her person and there is no cogent material to establish the contrary theory of her being run over while crossing the track. On a consideration of the material as a whole, the case of the appellant is thus liable to be accepted on the touchstone of preponderance of probabilities.

12. In view of the above, the impugned judgment is set aside and the matter is remanded back to the Tribunal, which is requested to

⁴ (2008) 9 SCC 527



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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 26.11.2026.

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

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

(MANOJ KUMAR OHRI)
JUDGE

OCTOBER 06, 2026

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