

(2026) 08 DEL CK 4450

In the Delhi High Court, Principal Bench, New Delhi

Case No : FAO 61/2023

Ravikant & Ors.

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 23
Railways Act, 1989

Citation : (2026) 08 DEL CK 4450

Hon'ble Judges : Manoj Kumar Ohri, J

Bench : Single Bench

Advocate : Mr. Rajan Sood, Advocate, Ms. Radhika Bishwajit Dubey, CGSC, Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay, Mr. Amulya Dev Mishra, Mr. Aayush Dogra, Advocates

Judgement

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 23.08.2022 passed by the Railway Claims Tribunal, Principal Bench, *Delhi* (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/ GZB/171/2018, titled as "*Sh. Ravikant&Ors. vs. Union of India*".

2. Briefly stated, the appellants' case before the Tribunal was that on 26.07.2015, the deceased, *Sh. Sunder Singh*, had purchased a valid journey ticket for travel from *Agra Cantt.* to *Mathura Junction*. During the course of the journey, he accidentally fell from the running train near *Mathura Junction*, sustained grievous injuries and succumbed to the same while he was on his way to the hospital.

3. The Tribunal, *vide* the impugned judgment, dismissed the claim application holding that the deceased was not a *bona fide* passenger and that the incident did not constitute an "untoward incident" as defined under the Railways Act, 1989 (hereinafter referred to as the "Act").

4. Learned counsel for the appellants submitted that the Tribunal overlooked the contemporaneous records prepared immediately after the occurrence. Attention was drawn to the Station Memo and the HDTC Diary, both of which merely record that the deceased had fallen from the train and do not attribute the incident to any deliberate act on his part. It was further submitted that even the DRM report verifies issuance of Journey Ticket No. 91103892 from *Agra Cantt.*, yet the Tribunal discarded the same on mere vague suspicions. According to the appellants, the finding that the ticket had been subsequently procured, as also the conclusion that the deceased had intentionally jumped from the train, are unsupported by any cogent evidence.

5. Learned counsel for the respondent, on the other hand has repelled the contentions of the appellants and supported the impugned judgment by placing reliance upon the testimony of *Bhagwati Prasad Sharma* (CW-1), who claimed to have witnessed the occurrence. It was submitted that the deceased attempted to alight from a running train despite being cautioned not to do so and, therefore, consciously exposed himself to an obvious risk. It was further contended that in the absence of recovery of any journey ticket during the inquest proceedings, the Tribunal rightly concluded that the deceased was not a *bona fide* passenger.

6. This Court has heard learned counsel for the parties and perused the material placed on record.

7. Since the finding on the status of the deceased as a *bona fide* passenger goes to the root of the matter, the same is considered first.

8. The original journey ticket bearing No. 91103892 was produced before the Tribunal itself. More importantly, the respondent's own inquiry records that the said ticket was verified from the Booking Supervisor, *Agra Cantt.*, who confirmed that it had in fact been issued on 26.07.2015. Once the issuance of the ticket stood verified by the Railway Administration itself, the Tribunal could not have discarded it merely because it did not find mention in the *panchnama*. The absence of a reference to the ticket in the inquest proceedings may, at best, amount to non-recovery, it cannot, without anything more, lead to the conclusion that the ticket had been subsequently procured. Significantly, the respondent has not led any evidence to suggest that the ticket was forged, fabricated or otherwise unrelated to the deceased.

9. In "*Lata v. Union of India*"¹, the Supreme Court reiterated that the initial burden upon the claimants to establish *bona fide* travel is not an onerous one and may be discharged by placing the attendant facts and circumstances on record, whereafter the burden shifts upon the Railways to rebut the same by leading cogent evidence. The earlier decision in "*Union of India v. Rina Devi*"² was reaffirmed in this regard.

10. A similar approach was adopted by this Court in "*Sh. Prempal Singh v. Union of India*"³, where it was observed that a passenger travelling alone cannot be expected to preserve evidence as to the precise manner in which the journey

was undertaken and that such an expectation is itself unreasonable. The Court observed:

"...it cannot be expected for a passenger in a railway journey, who is travelling alone, to keep evidence of when, where, how and in whose presence, he/she undertook the journey... the evidence in favour of the claimants is that the deceased had a valid passenger ticket... therefore, the clear inference is that the deceased was in a train..."

11. The aforesaid principles squarely apply to the facts of the present case. The appellants produced the original journey ticket and its issuance stood verified by the Railway Administration itself. In these circumstances, the Tribunal was not justified in rejecting the appellants' case merely because the ticket did not find mention in the *panchnama* or because it was subsequently produced with the claim application.

12. In view of the aforesaid discussion, it is held that the deceased was a *bona fide* passenger at the time of the incident.

13. Coming next to the manner of occurrence of the incident in question, the contemporaneous record prepared immediately after the occurrence presents a different picture. The Station Master's Memo merely records that a passenger had fallen from a train and sustained injuries. The HDTC Diary records the occurrence in the same manner. None of these documents records that the deceased "deliberately jumped from the train" or that he "intended to inflict injury" upon himself. The RPF Inquiry Report also, while narrating the facts, records that the deceased slipped while getting down from the train. It is only while recording its conclusion that the Inquiry Officer opines that the incident occurred due to the negligence of the deceased. Such an opinion cannot assume the character of substantive evidence, particularly when it is inconsistent with the contemporaneous record.

14. The reliance placed by the Tribunal on the testimony of CW-1, Sh. *Bhagwati Prasad Sharma*, is equally misplaced. Significantly, the witness came to be examined before the Tribunal only on 16.12.2021, more than six years after the occurrence. In his cross-examination, he admitted that he had neither searched the injured, nor prepared any recovery memo, nor recorded the statement of the injured in writing. Despite these admissions, the Tribunal accepted his subsequent oral version that the deceased disclosed that he was not carrying any journey ticket and had attempted to alight from the running train despite being warned. Such an unrecorded oral assertion, made for the first time years after the incident and unsupported by any contemporaneous document, could not have been preferred over the earliest official records.

15. Significantly, neither the Station Master's Memo, nor the HDTC Diary, nor any other contemporaneous record makes any reference to the deceased having stated that he was travelling without a ticket or that he had deliberately attempted to jump from the running train.

16. In view of the aforesaid discussion, this Court is unable to sustain the finding

of the Tribunal that the occurrence did not constitute an “untoward incident”.

17. Therefore, 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 20.08.2026.

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

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

FOOTNOTES

1. 12026 SCC OnLine SC 1350
2. (2019) 3 SCC 572
3. 2018 SCC OnLine Del 9571