



2025:DHC:2792



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

% **Judgment reserved on: 28 March 2025**
Judgment pronounced on: 23 April 2025

+ **FAO 355/2014**

AYODHYA SINGHAppellant

Through: None.

versus

UNION OF INDIA & ANRRespondents

Through: Mr. Sushil Kumar Pandey, SPC
with Ms. Neha Yadav and Ms.
Richa Pandeya, Advs.

HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

DHARMESH SHARMA, J.

1. This appeal has been preferred by the appellant under Section 23 of the Railway Claims Tribunal Act, 1987¹ assailing the impugned judgment dated 27.01.2014 passed by the learned Presiding officers of the Railway Claims Tribunal, Principal Bench, Delhi², whereby the claim petition of the appellant/claimant, bearing No. OA(Ilu) 525/11, under Section 16 of the RCT Act seeking compensation for the death of his son, who is stated to have died in an alleged untoward incident involving the Railways was dismissed.

¹ RCT Act

² Tribunal



2. Briefly stated, it is the case of the appellant that on 08.11.2011, his son Sintu Singh³, was travelling in North East Express train bearing No. 12506 from Anand Vihar to Ara on a valid ticket. It is averred that there was a considerable rush in the compartment; and as the train was approaching Ara Junction, several passengers, including the deceased, moved towards the door in the anticipation of deboarding.

3. It is averred that due to the overcrowding and jostling among the passengers, the deceased accidentally fell from the moving train near Banhai Station and succumbed to his injuries on the spot. The matter was reported to the police and a case *vide* U.D. no. 64/11 was registered at GRP Police Station – Ara. The appellant puts forth that the ticket of the deceased was lost during the course of the incident.

4. In response, the respondent/Northern Railway, filed a written statement denying the claims and disputing its liability to pay compensation. It was specifically pleaded that the deceased was not a *bona fide* passenger on board the train in question, and that the death did not occur due to any untoward incident, as alleged by the claimant.

5. Based on the pleadings, learned Tribunal framed the following issues: -

1. Whether this Tribunal has jurisdiction to try the present claim application?
2. Whether the deceased Sh Sintu Singh S/o Sh Ayodhya Singh was a bonafide passenger of train No. 12506 North East Express from Anand Vihar (Delhi) to Ara Jn as on 8.11.2011?

³ Deceased



3. Whether the death of Sh Sintu Singh was caused due to an untoward incident as defined in Section 123 (c) read with Section 124-A of the Railways Act, 1989?
 4. Whether the applicant is the sole dependant of the deceased Sh Sintu Singh and is entitled to get compensation as claimed?
 5. Relief?
6. In support of his claim, the applicant was examined as AW-1. No oral evidence was adduced by the respondent, but the respondent filed the CMI report, marked as Ex. R1.

ANALYSIS & DECISION

7. Having heard the learned counsel for the parties and on perusal of the record including the digitized Trial Court record, this Court has no hesitation in holding that the present appeal is bereft of any merit. It would be expedient to reproduce the reasons accorded by the learned Tribunal while dismissing the issues No. 2 and 3 of the claim petition, which go as under:

“9. In the present case, except for self serving averment made by the applicant that the deceased purchased a valid ticket for journey from Anand Vihar (Delhi) to Ara Jn and travelled by 12506 North East Express train, there is no evidence to support this contention. The Death Report, Ex. A-2 lists the applicant Ayodhya Singh and his co-villager as witness and further records that these witnesses have advised that the cause of death is due to fall from some train. The applicant has not claimed that he or the other witness was travelling by the same train or an eyewitness to the incident. As per his evidence, submitted by way of affidavit, Ex. AW-1/1, he has mentioned in para 8 that after getting information, he along with his co-passenger namely Singheshwar Singh reached at the place of occurrence and identified the deceased as his son Sintu Singh. The police report. Ex. A-5 also mentions that applicant was contacted by the police from the number available in the telephone diary found with the deceased. Admittedly, the applicant had no knowledge



about the incident till informed by the police. Therefore, the averment of the applicant about his son being a *bonafide* passenger and travelling by 12506 North East Express train is based on hearsay without any other evidence in support. In these circumstances, the applicant cannot absolve himself to prove that the deceased was travelling on the train in question at the time of the alleged incident.

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11. It is also noticed from the Death Report, Ex. A-2 that the body of the deceased was lying on the middle of down line track in a badly mutilated condition i.e. right hand severed from the body and missing, left hand broken over the wrist and grill attached to the body, right leg severed at knee, toe of left leg and left thigh cut and head and face badly mutilated. The Postmortem Report, ex. A-4 also records crushing of head and neck, laceration of neck and head was partially attached with neck, fracture of skull in multiple pieces, ante amputation with laceration of right upper limb left foot, right leg and multiple, abrasion over chest etc. It has been a general and well settled observation that if a person falls from any train, his body would get badly injured, but will not get badly mutilated and will not be found in the middle of the railway track. In the case of a fall from train, the body in all probabilities shall fall a little away from the railway track, but will not fall in between the track itself and that get cut into pieces. The Hon'ble Delhi High Court in its judgement in the case of Dharambiri Devi & Ors Vs Ministry of Railways and Another reported in 149 (2008) Delhi Law Times 435 has observed as under : -

"I may further note that the body of the deceased being cut into two halves is not possible if the deceased fell out of the bogie through the exit of the train received a sudden jerk. A person falling of a bogie from the exit would have a trajectory, which would drop him, if not a feet or two away from the train, at least 6 to 8 inches from the train and the forward motion would throw the person forward and not laterally. Meaning thereby the body could not be cut into two by the train running over. "

In this case, the body was lying in the middle of the down line track on which the train in question passed. Therefore, it is difficult to believe that the death of the deceased was due to accidental fall from



train as alleged. The position, in which the dead body was found and its mutilation can only occur in the case of a person having been runover by a train while crossing the railway lines or in an attempt to suicide.

12. The circumstances of this case do not support the applicant's contention that the deceased fell down from the train when it was about to reach his destination station. The mention about the fall of a passenger from train and the police documents i.e. Ex. A-2, A-3 and A-5 is based on the statement of the applicant and a co-villager, who were not eyewitnesses and is not corroborated by any cogent evidence. Such hearsay evidence, in the eye of law, cannot be given any weight or value unless corroborated. Admittedly, there is no eyewitness to the incident in question and no recovery of a journey ticket has been made from the person of the deceased. Thus, based on the facts and circumstances, as brought out above, it is difficult to believe that the deceased was either a bona fide passenger of the train in question or that his death has taken place on account of an untoward incident, as defined under Section 123 (c) read with Section 124-A of the Railways Act, 1989. The citations filed by the learned counsel for the applicant have been gone through, the facts and circumstances of the case in hand are quite different from the facts stated in the cited judgments. The issues are held against the applicants.

8. In view of the findings above, all the issues were dismissed and it was held by the learned Tribunal that the applicant/appellant is not entitled to any compensation.

9. On a careful perusal of the aforesaid reasons given by the learned Tribunal, it appears that as per the Memo (Ex. A-1) which was issued by the Deputy Station Superintendent, the dead body was found lying in Dn line Station Limit BYN at KM 619/78. The said memo was issued at 06:00 hours on 09.11.2011 and it was brought on the record that 12506 North East Express Train had passed the Banhai Railway Station



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at 00:07 hours on 09.11.2011. The body was located at about 20 meters from the panel room of the Banhai Railway Station; and as per the sketch plan, it was adjacent to platform No.2. Thus, considering the record made available by the respondents that as many as six down trains had passed the railway station during the relevant time, it is really doubtful that the body of the deceased remained undetected for such a long time.

10. Incidentally, neither any record from the railway station or for that matter anyone deputed at the railway station, viz. any guard, or any passenger had witnessed any 'untoward accident'. It is also a matter of the record that no railway ticket was found from the body of the deceased.

11. In view of the above, the learned Tribunal rightly held that no tangible evidence was produced to establish that the deceased was traveling by Train No. 12506, North East Express, and/or that he had purchased a valid second-class ticket for the said journey, so as to fasten any liability on the Railways to pay compensation for the loss of his life.

12. In the aforesaid view of the matter, the present appeal is dismissed.

DHARMESH SHARMA, J.

APRIL 23, 2025/sa/sp