

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM

THE HON'BLE MS. JUSTICE K.B.K.VASUKI

C.M.A.No.1585 of 2015
and M.P.No.1 of 2015

The Union of India owning
Southern Railway
rep by its General Manager,
Chennai - 600 003.Appellant

Vs.

1.P.Natarajan
2.N.AnnapillaiRespondents

Civil Miscellaneous Appeal filed under section 23 of the
Railway Claims Tribunal Act 54 of 1987 against the order made in
O.A.No.355 of 2013 on the file of the Railway Claims Tribunal,
Chennai, dated 26.03.2015.

For Appellant : Mrs.V.Bhavani Subbaroyan

J U D G M E N T

The appeal is filed by the Southern Railway against the award
of compensation of Rs.4,00,000/- for the fatal accident resulting
in the death of one Kanchivanam.

2.Though the Southern Railway has, in this appeal, questioned
the correctness of the award mainly by contending that the
deceased, while travelling in the train, in the course of which the
accident occurred, was in a drunken stage and he fell down from the
train only in the same state, as such, no liability can be fastened
on the Railways for any compensation, there is absolutely no
evidence adduced in support of the contention so raised herein. It
is not supported by the postmortem report also. In the absence of
any proof, the contention lacks bona fide and is unacceptable and
no other valid ground is made out to interfere with the award
passed by the Tribunal and the Civil Miscellaneous Appeal is hence
not liable to be entertained.

3. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

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Sub Asst. Registrar

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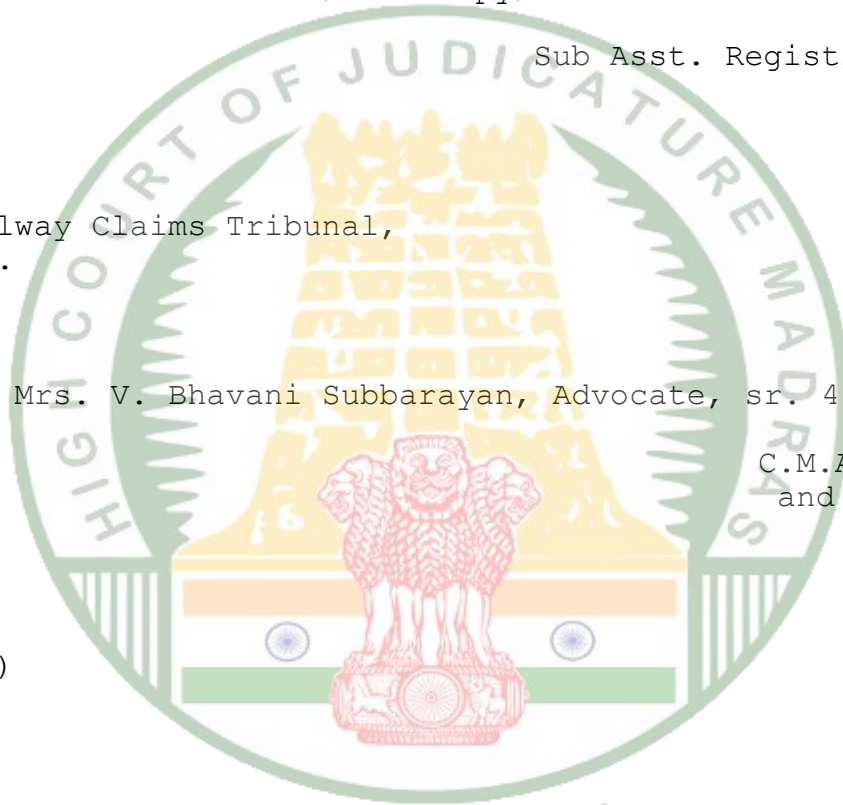
To

The Railway Claims Tribunal,
Chennai.

1 cc to Mrs. V. Bhavani Subbarayan, Advocate, sr. 40029

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