

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2018

CORAM :

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

C.M.A.No. 2038 of 2016
in
O.A.(II-U) 194 of 2014

Mrs.N.Muneeswari

... Appellant

Vs.

Union of India owning
Southern Railway
Rep by General Manager
Chennai - 600 003.

...Respondent

Payer: Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal Act 54 of 1987, the order dated 29.09.2015 passed by the Railway Claims Tribunal, Chennai Benchin O .A.(II-U) 194/2014 be set aside granting an award for statutory compensation of Rs.4,00,000/- with interest at 12% p.a. from the date of filing of the claim application viz., 18.07.2014 till the date of payment and the costs of the proceedings.

For Appellant : Mr.S.Umapathy

For Respondent : Mrs.T.P.Savitha

O R D E R

The appeal has been filed by the person alleged to be the wife of deceased, namely, T.Nagaraj, who is said to have died due to an untoward incident, while he was travelling from Thanjavur to Madurai on 18.07.2013 by accidentally falling between Thanjavur and Alakudi Railway Stations. The claim petition filed by the appellant was dismissed, holding that there was no proof of relationship between the appellant and the deceased. The said dismissal order is being challenged before this court.

2.A perusal of the record would show that irrespective of the fact that whether the deceased travelled in the train or he fell accidentally from the train and died, the person who

approached the Tribunal or this Court, has no locu standi to file this case. Even admittedly, noted by the Tribunal in page no.8 of its order that the appellant did not produce any proof of identity, namely, Ration card or Legal heirship certificate or Voter's Identity card to prove that there was a relationship between the deceased and the appellant as husband and wife. Except the marriage invitation, nothing has been produced to show the relationship.

3. Therefore, the Tribunal was right in dismissing the application. It is impossible for a person to live without a ration card or voter's Identity card, that too the person, who is aged about 38 years. In the absence of any other credible evidence to show that they are residents of particular address and the appellant is the legal heir of the deceased Nagaraj, the appellant cannot maintain the claim petition as well this appeal and it should be a bogus claim.

4. Taking advantage of the death of the person, who could not be identified, this claim should have been made with malafide motive. Though heavy cost has to be imposed on the appellant, due to judicial restraint, this court does not impose any cost. However, the appeal fails and the same dismissed. No costs.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The General Manager
Southern Railways
Chennai - 600 003.

2. The Additional Registrar
Railway Claims Tribunal
Chennai Bench.

+1cc to Mr.T.Rajamohan, Advocate SR.No.21839

+1cc to Mr.T.P.Savitha, Advocate Sr.No.21538

TM(CO)

sm:9.7.2018

C.M.A.No. 2038 of 2016
in
O.A.(II-U) 194 of 2014
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