

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.01.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

C.M.A.No.2421 of 2015

N.Balakrishnan

... Appellant

v.

The Union of India
Owning Southern Railway
Rep. by its General Manager
Chennai - 600 003.

... Respondent

Civil Miscellaneous Appeal filed under Section 23 of Railway Tribunal Act 54 of 1987 against the order dated 10.09.2015 in OA (II-U) 175 of 2014 on the file of the Railway Claims Tribunal, Chennai Bench.

For Appellants : Mr.S.Parthiasarathy
For Respondent : Ms.T.P.Savitha,
Standing Counsel

J U D G M E N T

Challenging the order passed in OA (II-U) 175 of 2014 on the file of Railway Claims Tribunal, Chennai Bench, the claimant has filed the above Civil Miscellaneous Appeal.

2. The claimant has filed the claim petition before the Railway Claims Tribunal claiming a compensation of Rs.4,00,000/ (Rupees four lakhs only) for the injuries sustained by him in the train accident.

3. It is the case of the claimant that on 21.02.2014 night he came to Madurai Railway Station and purchased a train ticket and boarded the train. While travelling in the train, he had accidentally fallen down from the running train near Dindigul Railway Station due to heavy crowd in the said train and due to which, he suffered fracture in the left leg, right leg knee was dislocated, sustained head injury and forehead injury and also multiple injuries all over the body. Immediately he was taken to Government Hospital, Dindigul where he got first aid and thereafter, transferred to Government Hospital, Madurai, where he is taking treatment till date as in-patient.

4. The respondent filed their counter stating that it was not an untoward incident and that the claimant is not entitled to claim any compensation from the Railways. Along with the counter, the respondent also produced the report of the DRM wherein, it has been stated that the claimant consumed alcohol while travelling in the train, hence, no compensation can be given to him.

5. Before the Tribunal, on the side of the claimant, he was examined as A.W.1 and on the side of the respondent, there was no oral or documentary evidence.

6. The Tribunal, after taking into consideration the available evidence, dismissed the claim petition stating that the claimant had travelled in the train after consuming alcohol and therefore, he is not entitled for any compensation.

7. Heard Mr.S.Parthiasarathy, learned counsel appearing for the appellant and Ms.T.P.Savitha, learned standing counsel appearing for the respondent.

8. It is pertinent to note that the accident had occurred on 21.02.2014 and he was admitted in the Government Hospital, Madurai on the next day i.e. on 22.02.2014. The respondent also recorded the statement of the claimant on 11.12.2014, wherein, he has categorically stated that he consumed alcohol with his relatives, namely, Anandakumar, Baskaran and Kali before travelling in the train on 21.02.2014. When the claimant had consumed alcohol and travelled in the train on 21.02.2014 and had fallen down from the running train and sustained injuries, if any compensation is given to him, it would be like giving a reward for consuming alcohol in the train. The Tribunal, taking into consideration the statement made by the claimant and also the DRM's report, rightly dismissed the claim petition.

9. In these circumstances, I do not find any ground to interfere with the order passed by the Railway Claims Tribunal. The Civil Miscellaneous Appeal is liable to be dismissed. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

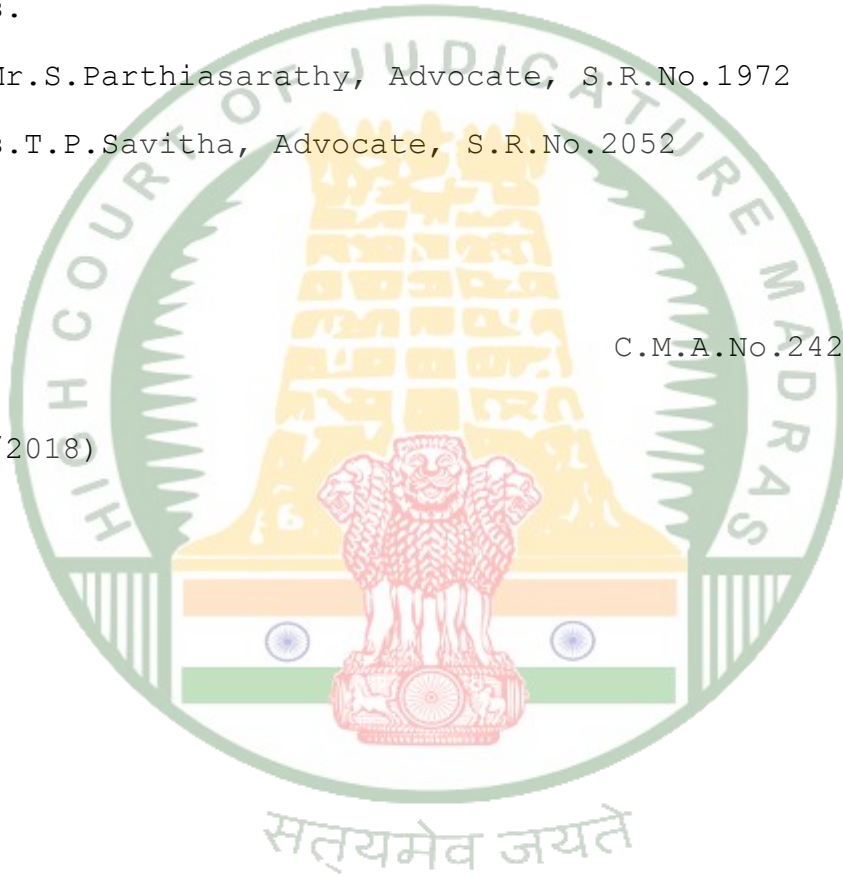
1. Railway Claims Tribunal,
Chennai Bench.
2. The Section Officer,
V.R.Section, High Court,
Madras.

+1cc to Mr.S.Parthiasarathy, Advocate, S.R.No.1972

+1cc to Ms.T.P.Savitha, Advocate, S.R.No.2052

C.M.A.No.2421 of 2015

GJ(CO)
abr(03/02/2018)



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