

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-03-2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2784 OF 2014

The Union of India owning
Southern Railway, rep.by its
General Manager,
Chennai.

Appellant

...
-VS-
...

R.Dillibai

Respondent

Appeal against the order, dated 19.06.2014, passed in O.A.No.261 of 2013,
on the file of Railway claims Tribunal, Chennai Bench.

For appellant : Mr.M.Vijay Anand

For respondent : Mr.V.P.Dillibabu.

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JUDGMENT

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The challenge in this appeal by the Railway is to the order of the Railway
Claims Tribunal, Chennai Bench, dated 19.06.2014, in O.A.No.261 of 2013.

2. The case of the claimant was that on 13.06.2013, her son, by name, R.Sai

Prakash travelled from Chennai to Arakkonam by a train; accidentally fell down from it and died. Following his death, she filed the claim petition before the Railway Claims Tribunal. The Tribunal, considering the oral and documentary evidence, has come to the conclusion that the accident was an untoward incident while the deceased was travelling in an EMU train between Chennai and Arakkonam. The claimant has let in cogent evidence that her son used to travel from Chennai and Arakkonam for his work. Inquest Report-Ex.A-5; Final Report-Ex.A-6; Death Certificate-Ex.A-3; and Postmortem Certificate-Ex.A-2 clearly prove that the incident was a train traffic accident and that the deceased suffered death in the accident.

3. The contention of the learned counsel for the appellant is that the accident was a case of trespass and runover by the train; the report of the Divisional Railway Manager, Chennai, dated 02.03.2014, had been marked as Ex.R-1, but the Tribunal failed to consider the same; therefore, the compensation awarded is erroneous and the accident cannot be considered as an untoward incident.

4. I have heard the rival contentions.

5. The claimant has examined herself as A.W.1 and marked documents in support of her claim. Ex.A-1 is the F.I.R., Ex.A-5 is the Inquest Report and Ex.A-6 is the Final Report and all of them clearly go to show that it is an accident, in which, the deceased fell down from one of the passenger trains and died. Even though it is controverted by way of counter as well as the report of the Divisional Railway Manager,

the Railway has not examined any witness to prove the same. In the absence of any proof, the Tribunal was right in coming to the conclusion that it was an untoward incident. There is no contra evidence to disprove the claim of the claimant and hence this Court is also of the considered view that the finding of the Tribunal is based on valid evidence and acceptable reasons. Therefore, the order of the Tribunal is confirmed.

6. Civil Miscellaneous Appeal is dismissed. No costs.

12-03-2018

Index : Yes/No

Internet : Yes/No

Speaking/Non-speaking

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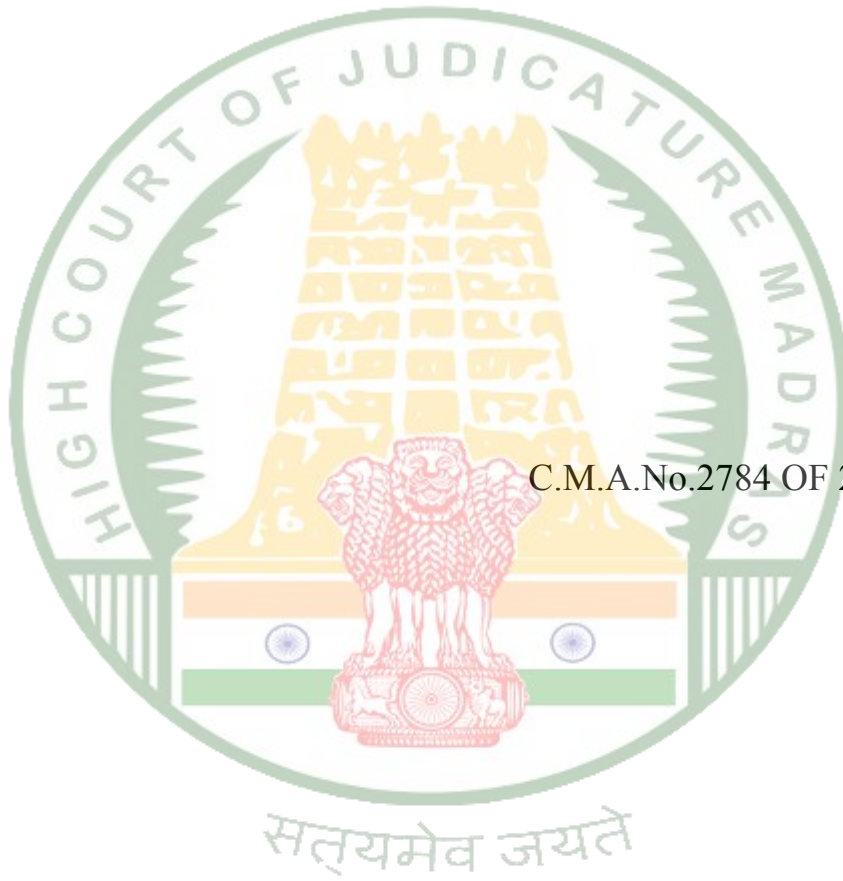
To

Railway Claims Tribunal,
Chennai.

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M.GOVINDARAJ,J.

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