

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A. No.4854 of 2019 and
CMP.No.27950 and 27953 of 2019

1. Nile Mandangi
2. Jagi Mandangi ...Appellants

vs.

Union of India through General Manager,
Southern Railway,
Chennai. ...Respondent

Civil Miscellaneous Appeal filed under Section 23 of the
Railway Claims Tribunal Act against the award of the Railway
Claims Tribunal, Chennai bench passed in RES/MAS/6/2019 in OA
(II-U) 186/2018 dated 01.11.2019.

For Appellants : Mr.S.V.Karthikeyan

For Respondent : Mr.C.V.Ramachandramoorthy

J U D G M E N T

The present Appeal has been filed by the parents of the
deceased Parvathi Madangi, who died on 08.02.2017 questioning
the award dated 01.11.2019 insofar as granting of compensation
payable in instalments.

2. The appellants have filed OA(II-U) 186/2018 on the file
of the Railway Claims Tribunal, Chennai seeking compensation for
the death of their daughter Parvathi Madangi, who died on
08.02.2017 by accidentally falling from the running train while
travelling from Tiruchur to Rayagada in Dhanbad Express. The
Railway Claims Tribunal, Chennai by an order dated 01.11.2019
has allowed the application by awarding a sum of Rs.8,00,000/-
with interest as compensation to the Appellants, out of which
the Appellants are entitled for a sum of Rs.4,00,000/- each. It
is further directed that out of which Rs.40,000/- each along
with their share of accrued interest shall be credited to the
Appellant's individual bank accounts furnished by them and the
remaining amount of Rs.3,60,000/- each is directed to be

deposited in SB Account No.10094499129 with the State Bank of India, Kilpauk Branch, maintained by RCT/Chennai which in turn shall make seventy two equated fixed deposits of Rs.5,000/- each in the name of the Appellants. The Principal amount of Rs.5,000/- and interest accumulated from the date of deposit till the date of payment on every month, starting from the first month to 72nd month shall be periodically transferred to the SB accounts held by the Appellants. Aggrieved by the said order directing the deposit of the compensation the present is filed

3. Heard the learned counsel for the Appellant as well as the learned counsel for the respondent.

4.It is no doubt true that the Tribunal having accepted the accident, awarded compensation, but directed them to pay the amount in equated fixed deposits with interest. Though there cannot be any fault found regarding orders with regard to the instalments, but paying the entire amount on instalments may not be warranted. Hence, this Court is of the view that the Tribunal order needs to be modified and 50% of the amount may be paid in installment as directed by the Tribunal and the remaining 50% of the amount shall be paid in equal proportion to the first and second Appellants.

5. Accordingly, the order passed by the Railway Claims Tribunal, Chennai Bench in RES/MAS/6/2019 on 01.11.2019 is modified and the 50% of the compensation awarded by the Tribunal shall be paid in installments as directed by the Tribunal and the remaining 50% of the amount shall be paid in equal proportion to the first and second Appellants.

In the result, this Appeal is allowed with the aforesaid modification. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS -III-MDU)

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Sub Assistant Registrar

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To

1.The General Manager,
Southern Railway,
Chennai.

2. The Additional Registrar,
Railway Claims Tribunal, Chennai Bench.

+1cc to Mr.Karthikeyan, Advocate Sr.17138

+1cc to Mr.Ramachandramoorthy, Advocate Sr.17023

C.M.A. No.4854 of 2019

mg[col]
srg 03/06/2020



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