

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.4485 of 2019

- 1.Jothilakshmi(wife of the deceased)
- 2.Sanjai Saravanan(minor son of deceased)
- 3.Deepak Shanmugam(minor son of deceased)
- 4.Thilagam(mother of the deceased) ..Appellants/Applicants

Vs.

The Union of India
Owning the Southern Railways,
Rep.by its General Manager,
Chennai - 600 003. ..Respondent/Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal, against the order dated 11.09.2019 made in OA(IIu/MAS/204/2018 by Hon'ble Member (Technical) of the Railway Claims Tribunal, Chennai Bench, Chennai.

For Appellants : Mr.N.Dhanasekaran

For Respondent : M/s.T.P.Savitha

J U D G M E N T

The order dated 11.09.2019 passed in OA(IIu/MAS/204/2018) is under challenge in the present Civil Miscellaneous Appeal.

2. The claimants are the appellants and the application was filed under Section 16 of the Railways Act. The claimants, even in their application, categorically states regarding the brief particulars of the accident, indicating the day and place of accident and the name of the train involved. The brief particulars of untoward incident also explain that it is relevant to note down that the particulars of untoward incident narrated in the application filed by the appellants reveals that "Natural Death due to cardiac arrest while performing the journey on 28.12.2017 at Jolarpettai Junction at about 02.05 a.m." Therefore, the question arises whether such natural death can be construed as an 'Untoward incident' within the meaning of Section 123 of the Railways Act.

3. The Railway Claims Tribunal adjudicated the facts and circumstances. The findings of the Railway Tribunal clearly states that it is a natural death due to cardiac arrest even

as per the claimants. When the claimants themselves admitted that it is a natural death, there is no reason to arrive a conclusion that the death is an 'Untoward incident' within the meaning of Section 123 of the Railways Act.

4. This Court is of the considered opinion that the Courts have held that natural death cannot be brought under the meaning of an 'Untoward incident' under Section 123 of the Railways Act and compensation cannot be granted. This being the principles laid down by the Courts, this Court do not find any infirmity or perversity in respect of the order of rejection of the application passed by the Railway Claims Tribunal.

5. Accordingly, the order dated 11.09.2019 passed in OA (IIu/MAS/204/2018) stands confirmed and the Civil Miscellaneous Appeal in C.M.A.No.4485 of 2019 is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Railway Claims Tribunal,
Chennai Bench, Chennai.

2.The General Manager,
The Union of India,
Owning the Southern Railway,
Chennai-600 003.

+lcc to Mr.T.P.Savitha Advocate SR.10658

C.M.A.No.4485 of 2019

PVS(CO)
CB(10/03/2021)

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