



WEB COPY



CRP.No.2184 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2184 of 2019

P.Krishnan

... Petitioner

Vs.

The Union of India,
Rep. by the General Manager,
Southern Railways, Chennai,
Tamilnadu State

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 06.10.2015 made in IA.No.38 of 2015 in Dy.No.44 of 2015 on the file of the Before the Railway Claims Tribunal, Chennai Bench.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.T.P.Savitha,
Standing Counsel for Railways

ORDER

This civil revision petition has been filed to set aside the order dated 06.10.2015 made in IA.No.38 of 2015 in Dy.No.44 of 2015 on the file of the Railway Claims Tribunal, Chennai Bench, thereby dismissed the petition to condone the delay in filing claim petition before the Railway Claims Tribunal.



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2. Heard, the learned counsel for the petitioner and the learned Standing Counsel for Railways appearing for the respondent.

3. The case of the petitioner is that while crossing a railway track at a place between Pattabiram and Tiruninravur Railway Stations, his son was hit by G.M. Special train and he died on the spot on 04.02.2010 at about 09.30 hrs.. He had given representation to the Hon'ble Minister for Railways seeking compensation on 28.03.2012. Thereafter he was replied to approach Railway Claims Tribunal. Then the petitioner did not prefer any claim petition since he was transferred to Hyderabad in the year 2012. He submitted an application before the Secunderabad Bench of the Railway Claims Tribunal and the same was returned for want of jurisdiction. Therefore, there was a delay of 1862 days for filing claim petition.

4. That apart, on perusal of the final report submitted by the Railway Police, Arakonam revealed that the deceased died due to sudden trespass into the railway track in a negligent and careless manner without noticing the arrival of the train. Therefore, the Railways is not responsible for the death of the petitioner's son. Further, the Railway Police used to keep records only for three



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years and no record is available in respect of the accident happened on

04.02.2010. Therefore, the court below rightly dismissed the petition and this

Court finds no infirmity or illegality in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

16.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Railway Claims Tribunal,
Chennai Bench.
- 2.General Manager,The Union of India,
Southern Railways, Chennai,
Tamilnadu State

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