



WEB COPY



Rev. Appl. No. 184 of 2021
against C.M.A.No.3032 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Rev. Appl. No. 184 of 2021
against
C.M.A. No. 3032 of 2014

Union of India owning
Southern Railway
represented by its General Manager
Park Town,
Chennai-600 003

... Petitioner

Versus

1. Sri M.Thangavel
2. Smt. T.Malarkodi

... Respondents

Prayer:- Review Application has been filed under Order 47 Rule 1 of
C.P.C. r/w 114 of Civil Procedure Code, against the order of this Hon'ble
Court dated 30.03.2021 in C.M.A.No.3032 of 2014.

For Petitioner : Ms.T.P.Savitha

For Respondents : Mr.S.Parthasarathy



WEB COPY



Rev. Appl. No. 184 of 2021
against C.M.A.No.3032 of 2014

ORDER

The petitioner had filed this Review Application to review the order passed by this court submitting that as per new amendment in Rule 3 of the Railway Accident and Untoward Incidents (Compensation) Rules, 1990, the claimants are entitled for a total compensation of Rs.8,00,000/- (Rupees eight lakhs only) or already the deposited amount along with nominal interest, whichever is higher, but restricted to Rs.8,00,000/-. Hence, the order is to be reviewed and prayed to delete the interest portion in para 11 and 12 of the order and to issue fresh copy of the order to the parties concerned.

2. On considering submissions of learned counsel for petitioner, as per new amendment in Rule 3 of the Railway Accident and Untoward Incidents (Compensation) Rules, 1990, earlier order passed by this Court in C.M.A.No.3032 of 2014 in paragraphs 11 and 12, as such is liable to be reviewed as follows :-



Rev. Appl. No. 184 of 2021
against C.M.A.No.3032 of 2014

WEB COPY

“Para 11 :-

As per the notification dated 22.12.2016 published in the Gazette of India, Extraordinary – Ministry of Railways (Railway), amendments were brought to Rule 3 of Railway Accident and Untoward Incidents (Compensation) Rules, 1990 by inserting sub-rule (2), as per the amendment, the second proviso to Sub-rule (3) was amended by substituting the words “four lakhs” into “eight lakhs”. Thus, as per the amendment a victim of untoward railway accident is entitled for a compensation of Rs.8,00,000/- (Rupees eight lakhs only) from 01.01.2017. In this case, the accident occurred before 01.01.2017. Therefore, as per new amendment in Rule 3 of the Railway Accident and Untoward Incidents (Compensation) Rules, 1990, the respondents/claimants are entitled for a total compensation of Rs.8,00,000/- and the petitioner is directed to deposit award amount of Rs.8,00,000/- (Rupees eight lakhs only) within a period of six weeks from the date of receipt of copy of this order or already the deposited



WEB COPY



Rev. Appl. No. 184 of 2021
against C.M.A.No.3032 of 2014

amount with nominal interest whichever is higher, but not exceeding a sum of Rs.8,00,000/-.

Para 12

The claimants/legal representatives of the deceased are permitted to withdraw their respective shares of compensation by filing an appropriate application and the payments are to be made through RTGS.”

Accordingly, this Review Application stands disposed of. No costs.

19.06.2023

rpp



WEB COPY



Rev. Appl. No. 184 of 2021
against C.M.A.No.3032 of 2014

T.V.THAMILSELVI, J.

rpp

Rev. Appl. No. 184 of 2021
against
C.M.A.No.3032 of 2014

19.06.2023