



C.M.A.No.186 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.186 of 2021

and

C.M.P.No.1315 of 2021

The Union of India owning
Southern Railway Rep. by
Its General Manager,
Chennai – 600 003.
Appellant/Respondent

...

Vs.

1.Umayal
2.Meenu
3.Lavanya
4.Sivarajan
5.Meenakshi

... Respondents/Applicants

Prayer : Civil Miscellaneous Appeal filed under Section 23 of the Railway Tribunal Act, against the order passed by the Railway Claims Tribunal, Chennai Bench in OA(II-U) 129/2013 dated 13.11.2013.

For Appellant : Mr.M.Vijay Anand

For Respondents : Mr.S.Parthasarathy [R1 to R3]

No appearance [R4 & R5]



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JUDGEMENT

Challenging the order passed by the Railway Claims Tribunal, Chennai Bench in OA(II-U) 129/2013 dated 13.11.2013, the appellant has filed the present appeal.

2. The respondents are the dependents of the deceased Nagappan. On 19.12.2012 in the night, the deceased had boarded an Express train at Chennai Egmore for his journey to Trichy. In the mid night, i.e., on 20.12.2012, at about 00.10 hours, the deceased had attempted to board into rear side compartment next to the unreserved coach and had slipped and fallen down, due to which, he sustained grievous injuries and died at the spot. Therefore, the respondents have filed an application before the Railway Claims Tribunal, Chennai Bench claiming compensation from the appellant, in which, the appellant/Southern Railway contended that the deceased was not a bonafide passenger and he is an unauthorized passenger, who travelled in the train without any valid ticket and tried to get into the moving train, during which, he had fallen down and died. After adjudication, the Tribunal had arrived at a conclusion that the



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deceased person is a bonafide passenger and passed an order, directing the appellant/Southern Railway to pay a sum of Rs.4,00,000/- as compensation to the respondents with interest at 6% per annum from 24.04.2013 till the date of the order and thereafter at 9% per annum till the date of actual payment. Aggrieved by the same, the appellant has filed the present appeal.

3. The learned counsel appearing for the appellant submitted that, already the entire compensation amount as awarded by the Tribunal was deposited before the Tribunal by the appellant, pursuant to which, the entire amount was withdrawn by the respondents.

4. The learned counsel appearing on behalf of the respondents 1 to 3 had not disputed the above facts submitted by the learned counsel appearing for the appellant.

5. Though very many grounds have been raised in this appeal, however, in view of the above submissions made by the learned counsel appearing for the appellant that the entire compensation amount had



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already been deposited before the Tribunal by the appellant, which was also subsequently withdrawn by the respondents, this Court is of the view that, nothing survives for adjudication in this appeal.

6. Accordingly, the civil miscellaneous appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



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WEB COPY To

- 1.The Railway Claims Tribunal,
Chennai Bench.
- 2.The Section Officer,
V.R.Section,
High Court, Madras.



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M.DHANDAPANI, J.,

sp

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