



WEB COPY



C.M.A.No.3437 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3437 of 2021

1.Ramniwas

2.Ram Kanwari

... Appellants

..Vs..

The Union of India
Represented by The General Manager
South Central Railway,
Secunderabad.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal Act 54 of 1987, to set aside the order dated 30.07.2021 passed by the Railway Claims Tribunal, Chennai Bench in O.A(II-u) / 105/2019 and to grant an award for the statutory compensation of Rs.8,00,000/- (Rupees Eight Lakhs) with interest at 9% per annum from the date of filing of the claim application viz., 30.07.2019 till the date of payment and the cost of the proceedings.

For Appellants : Mr.V.Pavan Kumar

For Respondent : Mr.M.Karthikeyan



C.M.A.No.3437 of 2021

J U D G M E N T

WEB COPY This appeal has been filed challenging the judgment dated 30.07.2021 passed by the Railway Claims Tribunal, Chennai Bench in O.A (II-u)/105/2019 under which the claim filed by the appellants has been dismissed on the ground that the appellants were not able to prove that the deceased travelled in the train on the date of the accident.

2. Before the Railways Claim Tribunal, the appellants who are the parents of the deceased had produced two unreserved tickets, one for travel from Saidapet to Chennai Beach and other from Chennai Central to Jodhpur. The accident happened at Chirala in Andhra Pradesh. It is not in dispute that any train proceeding to Jodhpur from Chennai Central will pass through Chirala Railway Station. The body of the deceased was found at Chirala Railway Station on 15.07.2018. The Chennai Central to Jodhpur unreserved ticket of the deceased is dated 14.07.2018.

3. The case of the appellants/claimants is that while proceeding to Jodhpur from Chennai Central, the deceased while travelling in a general



C.M.A.No.3437 of 2021

compartment in any one of the trains fell down from the running train due to heavy rush, speed, jerk and jolt of the train. According to the appellants/claimants, the deceased suffered grievous injuries and died at the place of the accident. The appellants/claimants have also produced the copies of the FIR, Inquest Report, Post Mortem Certificate, Family Member Certificate, Family Ration Card, copy of the death certificate, original journey ticket and copies of bank passbook and Aadhaar cards to substantiate their claim. When admittedly, the deceased was possessing a valid train ticket from Chennai Central to Jodhpur dated 14.07.2018, one day prior to the alleged accident which resulted in him sustaining grievous injuries and also causing his death, the Tribunal by total non-application of mind to the said fact and that too when it is an admitted case that Chirala Railway Station falls in the route for any train travelling from Chennai Central to Jodhpur, ought to have considered the said aspect and only thereafter should have decided as to whether the appellants are entitled for compensation or not.



C.M.A.No.3437 of 2021

4. However, only on the ground that the train ticket did not mention the train in which the deceased had travelled and on the ground that the body remained unnoticed, the Tribunal has erroneously rejected their claim. When the appellants/claimants have produced a valid unreserved train ticket, the Tribunal ought not to have given a finding without any evidence that no satisfactory reason was available on record to agree with the submission of the appellants/claimants that the deceased was in fact travelling in the train on the fateful day i.e on 15.07.2018 from which he fell down causing grievous injuries to him which resulted in his death. By total non application of mind, without any evidence available on record, the Tribunal has given an erroneous finding that the appellants/claimants are not entitled for compensation. Being a welfare legislation to compensate the accident victims in a railway accident, necessarily the appellants/claimants must be given one more opportunity for letting in oral and documentary evidence to substantiate their claim that they are entitled for compensation for the death of their son in a train accident which happened on 15.07.2018.



C.M.A.No.3437 of 2021

5. For the foregoing reasons, this Court deems it fit to set aside the findings of the Railway Claims Tribunal, Chennai Bench and remand the matter back to the Tribunal for fresh consideration on merit and in accordance with law, after affording an opportunity for fair hearing to both the parties to the dispute.

6. In the result, the impugned judgment dated 30.07.2021 passed by the Railway Claims Tribunal, Chennai Bench in O.A (II-u)/105/2019 is hereby set aside. The matter is remanded back to the very same Tribunal for fresh consideration on merit and in accordance with law, after affording a fair hearing to both the parties to the dispute and permit them to let in oral and documentary evidence. The Railway Claims Tribunal, Chennai Bench is directed to dispose of the application within a period of four months from the date of receipt of a copy of this judgment.

15.04.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-speaking order
uma

5/7



C.M.A.No.3437 of 2021

WEB COPY

To

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



WEB COPY



C.M.A.No.3437 of 2021

ABDUL QUDDHOSE, J.

uma

C.M.A.No.3437 of 2021

15.04.2024