



C.M.A.No.3401 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3401 of 2021

1.N.Kalyani

2.N.Deepika

3.N.Dinesh

4.Ranganayagi

... Appellants

Vs.

Union of India,
Owning Southern Railway,
Rep. by its General Manager,
Chennai - 3.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the Judgment dated 23.07.2021 passed by the Railway Claims Tribunal, Chennai Bench, in O.A.(II-u)/MAS/10/2020.

For Appellants : Mr.B.Thirumalai

For Respondent : Mr.M.Vijay Anand
Standing Counsel

JUDGMENT

This appeal has been filed by the claimants, aggrieved by the dismissal of their claim by the Railway Claims Tribunal, Chennai Bench in O.A.(II-u)/MAS/10/2020 by its order dated 23.07.2021. The appellants are



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the dependents of the deceased Natarajan. According to them, Natarajan died while he was travelling in the EMU train from Tambaram to Chengalpet. It is their case that he fell down from the train between Urapakkam and Vandalur Railway Stations. Under those circumstances, the claim application was filed before the Railway Claims Tribunal, by the appellants seeking compensation for the death of Natarajan, who according to them, died while he was travelling in the train between Urapakkam and Vandalur railway stations.

2. The respondent has disputed the claim of the appellants as seen from the reply statement filed before the Tribunal. Under the impugned order dated 23.07.2021, the Tribunal has dismissed the claim petition on the ground that the appellants have not proved that the deceased Natarajan had travelled in the train between Urapakkam and Vandalur railway stations on the fateful day i.e., on 13.06.2018 at 17:35 hrs.

3. The Tribunal has also dismissed the claim on the ground that the appellants have not produced the ticket to prove that the deceased had travelled in the train on the fateful day and they have also not examined any



eye-witness of the incident.

4. Learned counsel for the appellants would contend that since the inquest report, which was marked as document, reveals that the deceased travelled in the EMU train and the respondent has also not disputed the fact that the body was found between Urapakkam and Vandalur railway stations, circumstantial evidence is there to prove that the deceased had infact travelled in the EMU train between Urapakkam and Vandalur railway stations on the date of the incident.

5. However, the learned standing counsel appearing for the respondent would submit that the Tribunal has rightly dismissed the claim petition since there is no evidence placed on record by the appellants to prove that the deceased Natarajan had travelled on the fateful date in the EMU train between Urapakkam and Vandalur railway stations as they have not produced a valid passenger ticket purchased by the deceased. She would submit that eventhough certain items were found along with the body, the ticket was not found and therefore, it can be conclusively proved that the deceased was not a passenger in the EMU train and he did not fall down



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from the said train as pleaded by the appellants in the claim petition. She would also submit that no eyewitness was examined before the Tribunal and only based on the evidence available on record, the Tribunal has rightly dismissed the claim petition filed by the appellants.

6. To the submissions made by the learned standing counsel appearing for the respondent, the learned counsel for the appellants by way of reply would once again reiterate that the evidence placed on record before the Tribunal and the deposition of AW1, wife of the deceased would prove that the deceased had infact travelled in the train in the fateful date. However, this Court based on the evidence available on record is of the view that the Tribunal only based on the evidence available on record has dismissed the claim petition. When this Court expressed its view, learned counsel for the appellants would submit that the appellants are willing to produce additional oral and documentary evidence to prove that the deceased had infact travelled in the train on the fateful date to enable the appellants to claim compensation from the respondent.



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7. Being a welfare legislation to protect accident victim in case of railway accident, no prejudice will be caused to the respondent if the matter is remanded back to the very same Tribunal for fresh consideration to enable both the parties to let in additional oral and documentary evidence to substantiate their respective contentions. If the deceased was a genuine passenger, the appellants should not be made to suffer as they are legally entitled to claim compensation. Only to give one more opportunity for the appellants to prove their case by letting in additional oral and documentary evidence, this Court is remanding the matter back to the very same Tribunal for fresh consideration on merits and in accordance with law.

8. For the foregoing reasons, the order dated 23.07.2021 passed in O.A.(II-u)/MAS/10/2020 is hereby set aside by this Court and this appeal is disposed of by remanding the matter back to the very same Tribunal for fresh consideration on merits and in accordance with law after affording a fair hearing to both the appellants and the respondent and also by permitting the appellants and the respondent to let in additional oral and documentary evidence to substantiate their respective contentions. The Tribunal is



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ABDUL QUDDHOSE. J.,

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directed to dispose of the claim within a period of six weeks from the date of receipt of a copy of this judgment. No Costs.

04.07.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

1. The Railway Claims Tribunal, Chennai Bench.
2. The Section officer, Record Section, High Court of Madras.

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