



WEB COPY

CMA No. 1171 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1171 of 2024

1. K.Binu

S/o. Kunjan, Sasthan Villazhi, Fathima
Nagar, Kanyakumari Dist 629 160

Appellant(s)

Vs

1. Union Of India

Owning Southern Railway, Rep by its
General Manager, Chennai 3

Respondent(s)

CMA No. 1171 of 2024

PRAYER

To set aside the order passed by the Honble Railway Claims Tribunal, Chennai Bench in OA. (II-U)/39/2023 dated 06.11.2023 and allow this CMA

CMA No. 1171 of 2024

For Appellant(s): S.Parthasarathy

For Respondent(s): Mr.K.Balaji



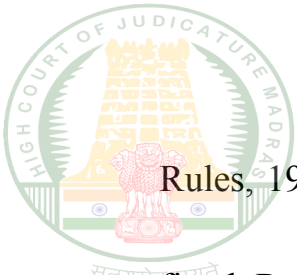
JUDGEMENT

WEB COPY

This Civil Miscellaneous Appeal has been filed to set aside the order passed by the Honble Railway Claims Tribunal, Chennai Bench in OA. (II-U)/39/2023 dated 06.11.2023.

2. On 02.12.2021, after booking a reserved ticket, the appellant came to Tambaram Railway Station to board train No. 12633 Kanyakumar Express for going to Nagercoil. On arrival of the train at Tambaram Railway Station, he was trying to board the train with his bags but suddenly train started to move due to which he lost his balance, fell down from the train, due to which, he sustained multiple injuries. Thereafter, the appellant filed the application before the Railways Claim Tribunal, Chennai (in short" tribunal") claiming compensation under Section 16 of Railway Tribunal Act, 1987 r/w Section 123 (c)(2), 124-A & 125 of Railways Act, 1989. After considering oral and documentary evidence, the tribunal awarded a compensation of Rs.1,00,000/-. Challenging the same, the appellant filed this appeal.

3. The learned counsel for the appellant submits that as per Proviso to Rule 3(3) of the Railway Accidents and Untoward Incidents(Compensation)



Rules, 1990, the appellant is entitled to minimum of Rs.1,60,000/- but tribunal fixed Rs.1,00,000/- as such is very meagre. Hence, he prays to allow this appeal.

4. The learned counsel for the respondent submits that tribunal has rightly passed the award which needs no interference. Hence, he prays to dismiss this appeal.

5. Admittedly, the appellant was a bonafide passenger, who suffered injuries in an untoward incident. As per Proviso to Rule 3(3) of the Railway Accidents and Untoward Incidents(Compensation) Rules, 1990, the appellant is entitled to minimum of Rs.1,60,000/- but the tribunal has awarded only Rs.1,00,000/- which is erroneously and liable to be set aside. As discussed above, the appellant is entitled to Rs.1,60,000/- with 6% interest. Accordingly, this Civil Miscellaneous Appeal is allowed. No Costs. Pending petition(s), if any, is/are closed.

02-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1171 of 2024



CMA No. 1171 of 2024

WEB COPY

To

1. Union Of India
Owning Southern Railway, Rep by its
General Manager, Chennai 3.
2. The Railway Claims Tribunal,
Chennai.
3. The Section Officer, V.R Section,
High Court, Madras.



WEB COPY

CMA No. 1171 of 2024



T.V.THAMILSELVI J.
pbl

CMA No. 1171 of 2024

02-07-2025