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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2024 of 2023

and

C.M.P.No.19631 of 2023

Union of India,
Rep by its General Manager,
Southern Railway, Chennai

... Appellant

Vs.

Lakshmi Palani
(Mother of the decased)
Residing at
No.528, Rajeev Gandhi Nagar,
Danishpet, Omalur Taluk,
Salem – 636 354

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 23(1) of Railways Claims Tribunal Act, 1987 to set aside the order dated 22.10.2021 made in OA(II-U).6 of 2020 on the file of Court of Railway Claims Tribunal, Chennai and pass orders.

For Appellant : Mr.M. Vijay Annd
For Respondent : M/s.B. Thirumali for Caveator

JUDGMENT



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This Appeal has been filed by the Appellant/Southern Railway, Chennai to set aside the order dated 22.10.2021 made in OA(II-U).6 of 2020 on the file of Court of Railway Claims Tribunal, Chennai.

2.It is the case of the claimant /respondent that on 16.11.2019 the deceased, in order to go to korattur by Emu train, purchased a II class ordinary ticket bearing No.15435732 from Pattabiram to Perambur and while travelling in the said train with his friend Kaviarasan, accidentally fell down from the running train due to rush,speed and jerk of the train on down fast line between Avadi and Annanur railway station. At the same time, he was hit by another Emu train heading towards Arakkonam on the opposite direction and run over. In the result, he suffered grievous injuries on left side chest, right hand and left leg amputated, left side of fore head and right leg thigh were injured and he died at the place of occurrence. Hence, the mother of the deceased filed claim petition before the Railway Tribunal and the Tribunal also awarded 8,00,000/- and directed the appellant herein to pay the said amount along with interest at the rate of 6% per annum from the date of incident till date of payment.

3.Challenging the same as excessive and exorbitant, the Appellant/

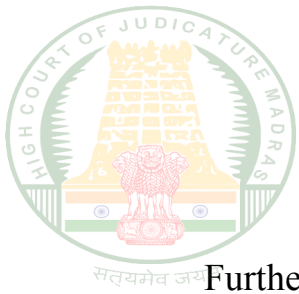


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Railways Tribunal has filed the present Civil Miscellaneous Appeal.

4.The learned counsel appearing for the Appellant / Southern Railway, Chennai would contend that the Tribunal has concluded that the award passed by the Tribunal requires interference by this Court and prays to allow this appeal.

5.Per contra, the learned counsel appearing for the respondent would submit that even as per the inquest report the deceased fell down from up slow line train but run over by down fast line train. The body was cut into two pieces which was noticed near the down fast line by night patrolman at 20.45 hours. The distance between these two lines is 11 feet. As such, there is no possible for falling of the deceased person who was travelling in up slow line train, on the down fast line. It is also to be stated that normally, when a person falls from a running train, the body would not be cut into two pieces. In this case, it has come in evidence that the body was lying in two pieces and right hand and left leg got severed from the body. From the nature of the injuries, it appears to be case of run over by an unknown down fast line train but not falling from running train.

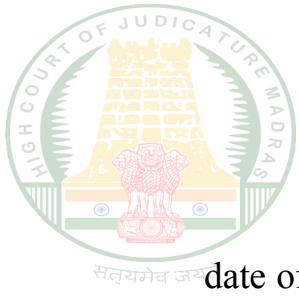


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Further in the conclusion it was stated that nature of the injuries and scene of occurrences, it appears that the death of the deceased may ran over and not falling from running train. Based on the said inquest report only the Tribunal has awarded the compensation. Hence, the compensation awarded by the Tribunal does not require any interference.

6. This Court is of the opinion that the compensation awarded by the Tribunal is reasonable and there is no ground to interfere with the judgment passed by the Tribunal below. Further, the grounds taken by the appellant/Southern Railway, Chennai cannot be accepted. Therefore, the grounds raised by the appellant/Southern Railway, Chennai are liable to be rejected and they are rejected accordingly. The compensation awarded by the Tribunal is just, fair and reasonable.

7. In the result, the award passed by the Claims Tribunal is confirmed and this Civil Miscellaneous Appeal is dismissed. No costs. Consequently the connected miscellaneous petition is closed. The Appellant/Southern Railway, Chennai shall deposit the entire compensation amount with interest at the rate of 6% per annum from the



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date of the incident till the date of payment, within a period of four weeks from the date of receipt or uploading of a copy of this order. On such deposit being made by the respondent/claimant is at liberty to withdraw the same, after following due process of law.

25.07.2025

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

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To

1. The Railway Claims Tribunal, Chennai .

2. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.



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