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O.S.A. No.222 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

O.S.A. No.222 of 2025
and
C.M.P. No.15001 of 2025

1.The Chief Manager,
Southern Railway,
Park Town, Chennai – 600 003.

2.The Chief Security Officer,
Railway Protection Force,
Southern Railways,
Park Town, Chennai – 600 003.

... Appellants

Vs.

1.A.Ranganayaki
2.K.Sanhangopalakrishnan

... Respondents

Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 19.11.2024 in A.No.3177 of 2024 in C.S.No.246 of 2023.



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For Appellants : Mr.AR.L.Sundaresan,
Additional Solicitor General of India
assisted by Mr.S.Thiruvengadam

For Respondents : Mr.V.Kuberan
and Mr.Harshit S.Jain
for M/s.Rank Associates

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Southern Railway preferred the present Original Side Appeal to assail the order dated 19.11.2024 passed in A.No.3177 of 2024 in C.S.No.246/2B.

2. Defendants in the suit are the appellants before this Court. Respondents/plaintiffs instituted a suit seeking compensation for the death of their daughter in Nungambakkam railway station platform.

3. Southern Railway filed an application for rejection of plaint under Order VII Rule 11 of Code of Civil Procedure. The Trial Court dismissed the application on the ground that Southern Railway failed to provide adequate protection to the passengers in the platform and in the given case, a young girl was murdered on railway station platform.



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4 Learned single Judge considered the judgment of Bombay High Court and held, Railway Claims Tribunal is not empowered to grant adequate compensation in such cases, since maximum compensation fixed under the Railway Claims Tribunal Act, 1987 is a sum of Rs.8 lakhs. Questioning the correctness of the order, learned Additional Solicitor General Mr.AR.L.Sundaresan would contend that Bombay High Court judgment has been wrongly relied on since the judgment is in favour of Southern Railway. That apart, there is an express bar under the provisions of Railway Claims Tribunal Act. Thus the suit *per se* is not maintainable in view of an express bar under Section 9 of C.P.C.

5. Learned counsel for respondents would oppose by stating that similar issue has been decided by High Court of Punjab and Haryana in the case of ***Union of India and others vs. Ved Prakash Sharma*** reported in **2009 SCC OnLine P & H 5884**. Whether the jurisdiction of Civil Court was barred under Sections 13 and 15 of Railway Claims Tribunal Act is considered and the Court held that suit is maintainable. That apart, the maximum compensation contemplated is Rs.8 lakhs under the Railway Claims Tribunal Act and it cannot be construed as a fair compensation. Thus respondents have instituted a civil suit for compensation. Daughter of respondents was murdered by one Mr.Ramkumar during morning hours in Nungambakkam Railway Station platform. Railway authorities have not provided adequate protection to save



the daughter of respondents and committed certain lapses and negligence.

Thus, respondents are entitled for just compensation, for which, the suit has been instituted.

6. This Court has considered the rival submissions made between the parties to the *lis*. Whether an express bar is contemplated or not under the provisions of Railway Claims Tribunal Act is to be examined. An 'untoward incident' defined under Section 123(c) of The Railways Act, 1989, reads as under:

123. Definitions.- In this Chapter, unless the context otherwise requires,-

(a)

(b)

(i).....

(ii).....

(iii)....

(iv)....

(c) "untoward incident" means -

(1) (i) the commission of a terrorist act within the meaning of sub-section (1) of section (3) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(ii) the making of a violent attack or the commission of robbery or dacoity; or

(iii) the indulging in rioting, shoot-out or arson, by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or



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(2) *the accidental falling of any passenger from a train carrying passengers.'*

7. Section 124-A has been inserted by Act 28 of 1994 with effect from 01.08.1994 and speaks about compensation for untoward incident and reads as under:

'124-A. Compensation on account of untoward incidents.—*When in the course of working a railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:*

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

- (a) suicide or attempted suicide by him;*
- (b) self-inflicted injury;*
- (c) his own criminal act;*
- (d) any act committed by him in a state of intoxication or insanity;*



(e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purpose of this section, “passenger” includes—

- (i) a railway servant on duty; and*
- (ii) a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.'*

8. In the context of definition for “untoward incident” and the compensation for “untoward incident” under Section 124-A of Railways Act, it would be relevant to consider the provisions of Railway Claims Tribunal Act and the powers of Tribunal to adjudicate grant of compensation for victims. Chapter III of Railway Claims Tribunal Act provides jurisdiction, powers and authority of Railway Claims Tribunal. Section 13 of Railway Claims Tribunal Act reads as under:

'13. Jurisdiction, powers and authority of Claims Tribunal.- (1) *The Claims Tribunal shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable immediately before that day by any civil court or a Claims Commissioner appointed under the provisions of the Railways Act,--*



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(a) relating to the responsibility of the railway administrations as carriers under Chapter VII of the Railways Act in respect of claims for--

(i) compensation for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to a railway administration for carriage by railway;

(ii) compensation payable under section 82A of the Railways Act or the rules made thereunder; and

(b) in respect of the claims for refund of fares or part thereof or for refund of any freight paid in respect of animals or goods entrusted to a railway administration to be carried by railway.

(1-A) The Claims Tribunal shall also exercise, on and from the date of commencement of the provisions of section 124A of the Railways Act, 1989 (24 of 1989), all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil court in respect of claims for compensation now payable by the railway administration under section 124A of the said Act or the rules made thereunder.

(1B) The Claims Tribunal shall also exercise, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017 (7 of 2017), the jurisdiction, powers and



authority conferred on the Tribunal under Chapter VII of the Railways Act, 1989 (24 of 1989).

(2) The provisions of the Railways Act, 1989 (24 of 1989) and the rules made thereunder shall, so far as may be, be applicable to the inquiring into or determining, any claims by the Claims Tribunal under this Act.'

9. Section 15 of Railway Claims Tribunal Act is extracted hereunder:

15. Bar of jurisdiction.-

On and from the appointed day, no court or other authority shall have, or be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-sections (1), (1A) and (1B) of section 13.

10. Holistic reading of provisions of Railways Act and Railway Claims Tribunal Act as referred to above makes it clear that a murder in Railway premises falls under the definition of 'untoward incident', as defined under Section 123(c) of the Railways Act. Next question to be considered is, Whether there is an express bar? In this regard, Section 13 (1A) of the Railway Claims Tribunal Act in unequivocal terms provides that Railway Claims Tribunal shall exercise all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil Court in respect of claims for compensation now payable by the railway administration under



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Section 124-A of the Railways Act or Rules made thereunder. Section 124-A reiterates that the Tribunal is empowered to grant compensation if any allegation regarding untoward incident is proved. In view of Sections 13 and 15 of the Railway Claims Tribunal Act, there is an express bar to maintain a suit for compensation before a Civil Court. Section 9 of CPC enumerates that no suit is maintainable if there is an express bar under an enactment. Railways Act and Railway Claims Tribunal Act are substantive law enacted by Parliament and that being so, express bar would apply squarely to the present case. However, express bar contemplated under an enactment may not constitute a bar to invoke writ jurisdiction of a High Court under Article 226 of the Constitution of India. Therefore, findings in the order impugned passed by Trial Court is running counter to the provisions contemplating an express bar to maintain a civil suit before a Civil Court. Thus respondents have to approach the Railway Claims Tribunal for compensation and suit before a Civil Court is not maintainable. In the event of respondents approaching Railway Claims Tribunal, their claim application shall not be rejected on the ground of limitation and it is to be entertained and issues are to be decided on merits and in accordance with law.

11. In view of the above legal position, impugned order dated 19.11.2024 in A.No.3177 of 2024 in C.S.No.246 of 2023 is set aside and Original Side Appeal stands allowed. Consequently, A.No.3177 of 2024 in



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C.S.No.246 of 2023 stands rejected. Connected miscellaneous petition is closed. There shall be no order as to costs.

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[S.M.S., J.] [M.S.Q., J.]
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Index:Yes/No
Neutral Citation:Yes/No
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To

The Sub Assistant Registrar,
Original Side, High Court, Madras.



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**S.M.SUBRAMANIAM, J.
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MOHAMMED SHAFFIQ, J.**

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