



WEB COPY

CMA No. 2351 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2351 of 2025

AND

CMP NO. 20013 OF 2025

Union Of India
Owning Southern Railways,
Represented by its General Manager,
Chennai - 003.

Appellant

Vs

1. E. Santhi
- 2.Sangeetha E
- 3.Vedha E

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.23 of Railways Claims Tribunal Act, 1989, praying to set aside the order dated 01.08.2024 passed in OA No.(II-U)/44/2024 on the file of the Railway Claims Tribunal, Chennai Bench and pass such further or other orders as this Honble Court.



For Appellant: Mr.M.Sathyan

WEB COPY

JUDGMENT

Challenging the award passed by the tribunal along with interest for four years in O.A.No.(II-U)/44/2024 dated 01.08.2024 by the Railway Claims Tribunal, Chennai Bench, the appellant preferred this Civil Miscellaneous Appeal.

2.The case of the respondents/claimants is that on 30.08.2019 when the deceased was travelling in unreserved crowded compartment of train No.12601 from Chennai Central to Katpadi Junction along with two of his colleagues, he accidentally fell down from the running train and died. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Railway Claims Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, allowed the petition and fixed the total compensation payable at Rs.8,00,000/- under various heads and the said compensation was directed to be paid with interest at the rate of 9% per annum. The appellant aggrieved by the interest from the date of incident till realisation fixed by the Tribunal has filed the present appeal before this Court.



WEB COPY

5. The learned counsel for appellant argues that the accident was happened on 30.08.2019, but the claim petition was filed only in the year 2024. Without taking note of the fact that no interest shall be paid for the period of delay, the tribunal had erroneously awarded 9% interest from the date of incident till realisation. Hence, with regard to interest portion, the award passed by the tribunal as such is illegal and liable to be set aside.

6. Admittedly, Covid-19 pandemic period starts from the year 2019 and ends on 30.04.2022. During the Covid-19 pandemic period, the claimants would not approach the tribunal and hence, there is no fault upon them. However, during the remaining period from 2022 till 2024, they ought to have filed the claim petition, but they failed. So, from the date of ending Covid-19 pandemic i.e. on 30.04.2022 to till the date of filing petition on 12.03.2024, the interest at the rate of 9% ordered by the tribunal is set aside. Hence, the claimants are entitled for the interest from date of incident i.e. on 30.08.2019 till 30.04.2022 and thereafter, from the date of filing the claim petition on 15.03.2024 till realisation. Accordingly, the award passed by the Railway Claims Tribunal is partly modified and the compensation awarded by the tribunal is sustainable one and the findings of tribunal is confirmed. Only with regard to interest portion



alone, the findings of tribunal is modified. The appellant is directed to deposit the award amount within a period of eight weeks from the date of receipt of copy of this judgment and on such deposit, the respondents/claimants are permitted to withdraw on filing undertaking affidavit. Accordingly, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Railway Claims Tribunal, Chennai.

2. Section Officer, VR Section, Madras High Court.



WEB COPY

CMA No. 2351 of 2025





WEB COPY

CMA No. 2351 of 2025



T.V.THAMILSELVI J.

rpp

**CMA No. 2351 of 2025
AND CMP NO. 20013
OF 2025**

28-08-2025