



WEB COPY

CMA No. 1634 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1634 of 2023

1. RANI

W/o.Late Kaliraj, res.at 21,
Kalasapuram St, Thirumayam Tk,
Rayavaram, Pudukottai Dist 622 506.

2. Muthu Priya (Minor)

D/o.late Kaliraj, Rep.by Mother and
Natural Guardian, 1st Appellant, res.at
21, Kalasapuram St, Thirumayam Tk,
Rayavaram, Pudukottai Dist 622 506.

Appellant(s)

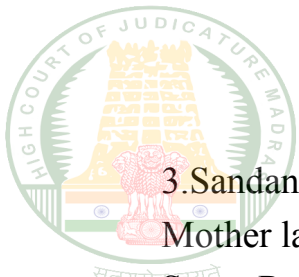
Vs

1. Union Of India

Through General Manager, Southern
Railway, Chennai.

2.Muniyaswamy

Father of late Kaliraj, No. 19/35, X
Street Road, TMC Colony,
Selvanayakapuram, Melur,
Thoothukudi Dist, Tamil Nadu.



3.Sandanam

Mother late Kaliraj, No. 19/35, X

Street Road, TMC Colony,

Selvanayakapuram, Melur,

Thoothukudi Dist, Tamil Nadu.

Respondent(s)

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PRAYER

To set aside the order passed by the Honble Railway Claims Tribunal, Chennai Bench in OA.(II-U) MAS/12/2022 dated 19.06.2023 and allow this CMA.

CMA No. 1634 of 2023

For Appellant(s): Mr.S. Parthasarathy

For Respondent(s): Mr.R.Subramaniam
Addl.Central Govt.Standing
Counsel

ORDER

This Civil Miscellaneous Appeal has been filed to set aside the order passed by the Railway Claims Tribunal, Chennai Bench in OA.(II-U) MAS/12/2022 dated 19.06.2023 and allow this CMA.

2. Before the tribunal the appellants have filed the petition claiming compensation for the death of the deceased Kaliraj. According to the claimants/appellants, deceased was travelling from Tiruchirapalli to Coimbatore by train No. 06617(Rameshwaram- Coimbatore) Express on 16.09.2021 in D1



coach, Seat No. 29, on reservation made against PNR No. 4737765583. When

the train was running between Kodumudi and Pugalur Railway Stations, the

deceased accidentally fell down from the train suffered with severe injuries on the

head and died at the spot. Body of the deceased was noticed by the Track

maintainer of Respondent Railway on 17.09.2021 prior to 12.40 hours. The

claimants stated that the deceased was a bonafide passenger. Hence, they prayed

for compensation of Rs.8 lakhs with 9 % interest.

3. The respondent denied the claimants' application stating that though the ticket was taken by the deceased, he was not in such coach when the ticket examined checking the seat and some other passenger has occupied the seat reserved for the deceased. Therefore, he was not travelled at the time of the accident. Furthermore, alleged accident shows that he was not fell down from the train on particular date i.e. 16.09.2021 at early hours and the post mortem report also shows that he might have died much earlier. Therefore, the deceased was not fell down from the train as claimed by the appellants.

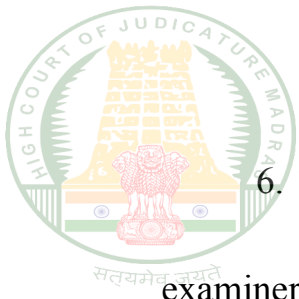
4. On considering both side submissions, the tribunal held that as per the evidence of statutory enquiry conducted by the respondent, the deceased was



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found lying on the side of the road at 02.55 – 03.04 hours but as per FIR the body found five meters away from the track. Besides, as per the evidence of railway authorities Ticket examiner checked the compartment after the train started from Tiruchirapalli Junction but the deceased was not found in D1 coach in Seat No. 29 as per the reservation ticket. Therefore, he was not travelled in that train and as per the observation Mahazar deceased body was lying about 5 meters away from the track. Accordingly, tribunal held that the deceased was not a bonafide passenger and also the incident in which he lost his life is not an untoward incident as defined under Section 123(c)(2) r/w Section 124-A of the Railway Act, 1989. Challenging the said findings the claimant filed this appeal.

5. The learned counsel for the appellant submits that on that day of accident the deceased was died due to the untoward incident, he was fell down from the train and sustained grievous injuries and the body was lying on the nearby the track. Further the Postmortem report shows that he died due to grievous injuries but the tribunal has failed to appreciate the same. Hence, he prays to allow this appeal.



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6. The learned counsel for the respondent submits that when the ticket examiner checked the compartment the deceased was not in the seat allotted to him and some one occupied his seat. Therefore, the tribunal has rightly held that he was not a bonafide passenger. Hence, he prays to dismiss this appeal.

7. Considering the entire facts and on perusal of records, as per claimants on 16.09.2021 the deceased was travelling in the train from Tiruchirapalli to Coimbatore by train No. 06617(Rameshwaram- Coimbatore) Express in D1 coach at Seat No. 29, on reservation made against PNR No. 4737765583. As per the respondent, Ticket Examiner noted that on that day some other person was occupying the seat reserved for the deceased. However, the observation mahazar and sketch of the accident shows that body was found 5 meters away from the railway track. So on that day there is possibility that the deceased could have occupied the seat in other coach. Further, the body also found near railway track which probablise that the deceased was travelling on that train and he might have fell down from the train but the tribunal has failed to appreciate the fact. Though the deceased was not found in the reserved coach, he would have been in other coach. Ticket examiner would have checked the coach immediately



after the train depart. Therefore, the reservation of the ticket on that day shows that the deceased travelled in the train and he had fell down during the journey and died due to untoward incident. The findings of the tribunal is set aside. The claimants are entitled to Rs.8,00,000/- with 6% interest from the date of the case till realisation and the first respondent is directed to deposit the amount together with interest within a period of 8 weeks from the date of receipt of copy of this judgment. Accordingly, this appeal is partly allowed. No Costs. Pending petition, if any, is/are closed.

06-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Railway Claims Tribunal, Chennai,
2. The section officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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