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CMA No. 3346 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3346 of 2021

1. L.Saraswathy
W/o.Late.Lingesh, No.570, Anna St,
Urapakkam, Kancheepuram Dist-
603210.

Appellant(s)

Vs

1. Union Of India
Through General Manager, Southern
Railway, Chennai- 600 003.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal is filed under Section 23 of the Railway Claims Tribunal Act, 1987, prayed to set aside the judgement passed in OA.(II-U)/33/2020 dated 26-08-2021 by the learned Railway Claims Tribunal, Chennai Bench by granting an Award for the Statutory Compensation of Rs. 8,00,000/- with interest at 12 percent per annum from the date of filing of the claim petition i.e, 25-08-2021 to till the date of realization and to award cost of the proceedings and thus render justice.



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For Appellant(s): B.Thirumalai

For Respondent(s): Mr.Vijay Anand

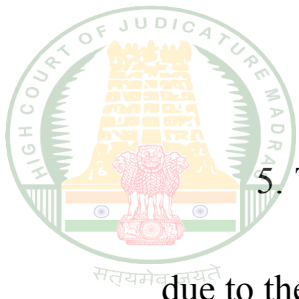
JUDGEMENT

The appellant herein is the petitioner in O.A.(II-U) No.33 of 2020 on the file of the Railway Claims Tribunal, Chennai Bench. She has claimed compensation for the death of her son. L.Arulkumar, who died on 05.08.2019, due to an accident fall from train between Urapakkam and Palavanthangal Railway Station.

2. The Railway authorities contested the case.

3. After full trial, the Tribunal dismissed the claim petition, concluding that the victim was not a bonafide passenger. Aggrieved by the said order the appellant has preferred this appeal.

4. Before the Railway Tribunal to prove their claim, both the parties adduced oral and documentary evidence.



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5. The learned counsel for the appellant submitted that the deceased died due to the accidental fall from train between the Urapakkam and Palavanthangal Railway Station on 05.08.2019. To prove her claim, she produced FIR report, Inquest report, final report, death certificate, Legal heir ship certificate and attested copy of card ticket (return) bearing No.77314 dt.05/08/2019, for travel between Urapakkam and Palavanthangal R.S. However, the Tribunal has not appreciated those documents and erroneously concluded that the victim was not a bona fide passenger on the date of the alleged accident. So she prayed to allow this appeal.

6. On a perusal of the record, it reveals that on the side of the appellant she produced FIR, Death certificate, Inquest Report and Final report, in order to prove the factum of the death of the deceased 'L.Arulkumar,'.

7. As per the said report the FIR was lodged on 05.08.2019 stating that a male dead body aged about 17 years lying at Urapakkam and Palavanthangal railway line” and as per the inquest report the reason for the death was stated.



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8. Therefore, the appellants with the help of those documents clearly established that the victim travelled in one of the trains on the fateful day i.e., 05.08.2019 while he was travelling near the doorways, accidentally fallen down from the running train between Urapakkam and Palavanthangal railway station. Thus, it was proved that the deceased travelled in the train but due to an accident fall from the train, he died.

9. The learned counsel for the railways submitted that the claimant has failed to prove that the deceased travelled with a valid ticket and this fact was rightly appreciated by the Tribunal.

10. The Division Bench of this court in the case of ***The Union of India Owing Southern Railway Vs. G.Jayalakshmi and others***, reported in **2012(3) CTC 741**, held as follows:

*Railways Act, 1989 (24 of 1989), Section 123(c) & 124-A -
“Untoward incident” - Claimant's deceased husband fallen down
from train due to overcrowding and died – Deceased lost ticket
during accident – Contention of Railways that incident happened
due to negligence on part of deceased and claimant has failed to*



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prove that deceased was travelling with valid ticket – Held:

Normal presumption is that passenger in Train holds valid ticket

– Burden is on Railways to prove that deceased is not bona fide passenger – Accidental fallinig of passengers from Train carrying passengers would come within purview of “Untoward incident” and Claimants entitled to claim compensation.”

This decision squarely apply to the facts of this case. The normal presumption is that passenger in a train holds valid ticket.

11. Considering the above submission made by the counsels and coming to the facts of the case, the FIR, inquest report and the final report conclusively establish that the death of the deceased happened due to accidental fall from the train and not happened due to the self-inflicted injury of the deceased which are all coming under clause A(2)(E) of the proviso under Section 124(A) of Act.

12. The appellant prima facie established, that at the time of the accident the deceased was in possession of the ticket, but it is impossible to collect the ticket from the accident spot or from the body of the deceased in the normal



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course of investigation. Therefore, the objection raised by the railway authority that the deceased was not a bonafide passenger is unsustainable one. The facts and circumstances proves that deceased died due to the untoward incident, an accidental fallen down from the train and the appellants are entitled to get a compensation under Section 124(A) which speaks about the compensation on account of untoward incident. The claimants also established that the accident occurred not due to any of the reason mentioned in A to E of the proviso under Section 124-A of the Act. But the Tribunal without appreciating the fact erroneously concluded that appellants did not prove the claim. The finding given by the Tribunal is hereby set aside.

13. Accordingly, the order dated 26.08.2021 passed by the Railway Claims Tribunal in O.A.(II-U) No.33 of 2020 is set aside and the Civil Miscellaneous Appeal stands allowed. The appellant is entitled for a total compensation of Rs.8,00,000/- along with interest at the rate of 9% per annum from the date of petition.

14. The respondent / Railways is directed to deposit the compensation



amount of Rs.8,00,000/-(Rupees Eight Lakhs only) along with the accrued interest at the rate of 6% per annum before the Railway Tribunal concerned

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within a period of 12 weeks from the date of receipt of a copy of this judgment and on such deposit, the claimant is permitted to withdraw her respective portion of the award amount with accrued interest by filing an appropriate application before the Tribunal and the payments are to be made through RTGS.

There shall be no order as to costs.

25-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. Union Of India
Through General Manager, Southern
Railway, Chennai- 600 003.
2. The Railway Claims Tribunal,
Chennai.
3. The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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