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CMA.No.640 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.04.2025**

**CORAM :**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CMA.No.640 of 2025**  
**and CMP.No.5062 of 2025**

Union Of India  
Southern Railways  
Represented by its General Manager  
Chennai – 60 003. .. Appellant

**-Vs-**

1.Manju  
2.Dharshika Vijay V.M.  
3.Archika Vijay V.M.  
(respondent 2 & 3 minor rep by their natural guardian /  
mother Manju - R1.) .. Respondents

**Prayer :** Civil Miscellaneous appeal is filed under Section 23(1) of Railway Claims Tribunal Act 1987 to set aside the order dated 25.06.2024 passed in OA.No.(II-U)/87/2023 on the file of the Railway Claims Tribunal, Chennai Bench.

For Petitioner : Mr.Sathyan.M., ACGSC  
For Respondents : Mr.Manoharan



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### **JUDGMENT**

This Civil Miscellaneous Appeal has been filed by the Southern Railways, challenging the order passed by the Railway Claims Tribunal, Chennai Bench, allowing the application filed by the respondents/applicants, directing the appellant to pay a sum of Rs.8 lakhs with simple interest @ 9% p.a from the date of incident to the date of order as compensation, for the death of one Vijayan.

2. According to the respondents/applicants, the husband of the 1<sup>st</sup> applicant and the father of the applicants 2 and 3 namely Vijayan boarded the train at Nagercoil Railway Station, after purchasing a ticket to Chennai. While the train was moving between the Kodai Road and Dindigul Railway Station, due to speed and jerk of the train, the above said Vijayan, accidentally slipped and fell down from train at Km.452B/500-600 between Kodai Road – Ambathurai stations. As a result of the fall from the train, he sustained injuries and died on the spot. Therefore, a claim application was filed by the respondents seeking compensation for the death of said Vijayan.



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3. The application for compensation filed by the respondent was resisted by the appellant/southern railways on the ground that the deceased was not a bonafide passenger of the train and there was no information received by the railways regarding the fall of the passenger from the train in the said location. Therefore, the appellant sought for dismissal of the claim application.

4. The Railway Claims Tribunal, Chennai bench, on consideration of materials available on record, came to the conclusion that the deceased was a bonafide passenger, travelled in the train and he died due to the accidental fall from the train. Therefore, the claims Tribunal quantified the compensation payable to the dependents of the victim at Rs.8 Lakhs and directed the appellant to pay the same with applicable interest. Aggrieved by the said order passed by the claims Tribunal, the appellant has come before this Court.

5. The learned counsel appearing for the appellant tried to assail the



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order impugned in this appeal on the ground that the deceased was not a bonafide passenger of the train, with valid train ticket. Therefore, according to him, the Tribunal committed an error in directing the payment of compensation. The learned counsel further submitted that there was no evidence available on record to suggest that the deceased died due to accidental fall from the train.

6. The learned counsel appearing for the respondents/applicants by taking this Court to the evidence of AW1 and AW2 submitted that the Tribunal rightly appreciated the evidence available on record and came to the conclusion that the deceased was a bonafide passenger in the train. Therefore, he sought for dismissal of the appeal.

7. Heard the learned counsel for the appellant and the learned counsel for the respondents and perused the materials available on record.

8. It is not in dispute that the initial burden lies on the applicants to prove that the deceased was a bonafide passenger and he was a victim to an untoward incident. In order to discharge the initial burden, the applicants



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examined the wife of the deceased namely 1<sup>st</sup> applicant as AW1. She clearly deposed that her deceased husband/Vijayan was dropped at Nagercoil Railway Station by AW2/Rajarathinam and he purchased a ticket to Chennai and boarded the train in an unreserved compartment. She also clearly deposed that she came to know about the purchasing of the ticket and boarding of the train by the deceased, from the information furnished to her by Rajarathinam/AW2. The above said Rajarathinam was examined as AW2. He clearly deposed that he dropped the deceased Vijayan at Nagercoil Railway Station and he purchased a ticket to Chennai and boarded the train in an unreserved compartment. He deposed that the deceased had accidentally fell down from the running train and died on the spot. The vital facts relating to purchasing of the ticket by the deceased and boarding of the train at Nagercoil etc., were spoken to by AW2. His evidence was not at all shattered in cross examination.

9. The learned counsel appearing for the appellant/applicants would submit that in the proof affidavit of AW2, he mentioned him as cousin brother of the deceased and in the cross examination, he deposed that he was a classmate and not a cousin. Merely because there is a discrepancy



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regarding relationship, we cannot discard the evidence of AW2 in toto. By examining the AW1 and AW2, the claimants have discharged their initial burden to prove the fact that the deceased purchased a valid ticket to Chennai and boarded the train.

10. Merely because, no ticket was recovered from the dead body of the victim, we could not say that he travelled in the train as gratuitous passenger without valid ticket. The possibility of the ticket getting lost, at the time of accidental fall from the train, could not be ruled out. Therefore, the Tribunal was justified in coming to a conclusion that the deceased was a bonafide passenger with valid ticket, based on the evidence of AW1 and AW2.

11. A perusal of the Ex.A3/inquest report would indicate that the Panchayatdars opined that the deceased would have died due to accidental fall from the running train on 12.09.2022 before 12.00hrs, between Ambathurai – Kodai Road Railway station. The Tribunal also noted that there was no plea on the part of the appellant that the incident would fall under any of the proviso to Section 124A of the Railways Act. Therefore,

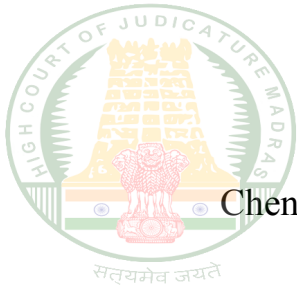


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based on the materials available on record, the Tribunal rightly came to the conclusion that the deceased met with an untoward incident, within the meaning of Section 123(c)(2) of Railways Act, and died due to accidental fall from the passenger carrying train.

12. The first applicant is the wife of the deceased, the applicants 2 and 3 are the minor children of the deceased. The legal heir certificate marked as Ex.A7 and the Aadhar card of the applicants have established the relationship with the deceased and their dependency. Therefore, the Tribunal concluded that the respondents 1 to 3/applicants 1 to 3 were the dependents of the deceased as per the Railways Act.

13. The compensation payable to the applicants was fixed at Rs.8 lakhs as prescribed under part-I of the Schedule appended to Rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Rules 1990. Therefore, the submissions made by the learned counsel appearing for the appellants, assailing the order passed by the Railway Claims Tribunal does not involve any merit and accordingly, the appeal stands dismissed by confirming the impugned order passed by the Railway Claims Tribunal,



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Chennai Bench in OA.(II-U)/87/2023 dated 25.06.2024.

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14. In the result, the civil miscellaneous appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**22.04.2025**

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**S. SOUNTHAR. J.,**

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To  
The Railway Claims Tribunal, Chennai Bench.

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