

WEB COPY

CMA No. 3385 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
27.03.2026

PRONOUNCED ON
21.04.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA No. 3385 of 2021

1. M.Krishnamoorthy
S/o.Late Alagappan

2. K.Kavitha
W/o.N.Krishnamoorthy

..Appellant(s)

Vs

Union Of India
Owning Southern Railway,
Represented by Its General Manager,
Chennai-600003

..Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987, to set aside the Judgment passed in OA(II-U)/70/2019 dated 27.07.2021 by the Hon'ble Railway Claims Tribunal, Chennai Bench by granting an Award for the Statutory Compensation of Rs.8,00,000/- with interest at 12 per cent P.A. from the date of filing of the claim petition i.e., 25.04.2019 till the date of realization and to award cost of the proceedings and thus render justice.

For Appellant(s): Mr.B.Thirumalai

For Respondent(s): M.T.P.Savitha for Sole Respondent



JUDGMENT

WEB COPY

The present Civil Miscellaneous Appeal have been filed against the judgement dated 27.07.2021 passed in O.A.(II-U)/70/2019 by the Railway Claims Tribunal, Chennai

2. The facts leading to the present *lis* is that the deceased, one named, Mr.K.Arulmani aged about 21 years and employed in a private company at Karur, died in an untoward incident, by falling from the running Train. On 28.05.2018, the deceased purchased Class-II, ticket for travel from Thanjavur to Karur and boarded the general compartment of Train No.16615, Mannargudi–Coimbatore Chemmozhi Express. While the train was proceeding between Veerakkiyam and Karur railway stations, at about 00:55 hours on 29.05.2018, the deceased fell from the running train, sustained grievous injuries, and died at the spot. The journey ticket is stated to have been lost along with his belongings during the accident. Subsequently, the body of the deceased was found on 31.05.2018 at about 12:30 hours, in a decomposed state, at KM No.70/100 between Veerakkiyam and Karur Railway Stations. Thereafter, the parents of the deceased filed an application in O.A. (II-U)/70/2019 before the Railway Claims Tribunal against the Southern Railways, claiming compensation to the tune of Rs.8,00,000/-.



3. On the other hand, the respondent, filed its reply statement and contended that with regard to the injuries noted in the post-mortem certificate and the place of incident, the alleged accident could have happened due to other reasons other than a fall from the train, and therefore, the respondent is not liable to pay any compensation.

4. Based on the above pleadings and the evidences placed on record, the learned Railways Tribunal had framed the following issues;

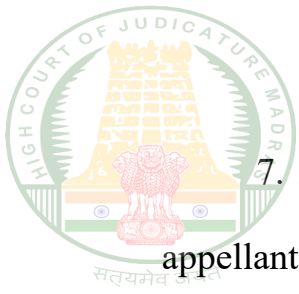
- 1) *Whether the Applicants are the only dependants of the deceased ?*
- 2) *Whether the deceased was a bona fide passenger as alleged ?*
- 3) *Whether there was any untoward incident on 29.05.2018 as defined under Section 123 (c) (2) of the Railway Act, 1989, as alleged ?*
- 4) *Whether the applicants are entitled for compensation as claimed and other relief if any?*

5. The learned Railway Claims Tribunal, after hearing both sides and perusing the materials available on record, proceeded to decide the aforesaid issues. Insofar as Issue No.1 is concerned, the Tribunal, upon perusal of the legal heir certificate dated 16.08.2018, held that the applicants are the only dependants of the deceased. With regard to Issue Nos.2 to 4, the Tribunal held that no valid ticket was recovered from the scene of occurrence and that the



applicants had not produced any documentary or admissible evidence to establish that the deceased was a *bona fide* passenger of the Train. Upon perusal of the inquest and final reports, the Tribunal also observed that they merely indicate that a decomposed body of the deceased was found at KM No.70/100 between Veerakkiyam and Karur Railway Stations and that the deceased had succumbed to multiple injuries.

6. It was further held that no authentic documentary or circumstantial evidence was recovered from the scene of accident and no witness, either among passengers or railway officials, had reported any incident of a person falling from a running train. The Tribunal further observed that the possibility of the incident being a case of run-over due to trespassing on the railway track could not be ruled out. Further the Tribunal also held that there was no evidence to establish that the deceased had fallen from the train, even assuming that the ticket had been lost. Accordingly, the Tribunal *vide* its order dated 27.07.2021, held that the deceased was not proved to be a *bona fide* passenger and that the incident was not established as an “untoward accident” under Section 123(c)(2) of the Railways Act, 1989, and consequently dismissed the applicants’ claim for compensation. Aggrieved by the said judgment, the applicants have preferred the present Civil Miscellaneous Appeal.



7. Heard Mr. B.Thirumalai, learned counsel appearing on behalf of the appellants and Ms.T.P.Savitha, learned Counsel appearing on behalf of the respondent.

8. The learned counsel appearing on behalf of the appellants would submit that the learned Tribunal has passed the impugned judgment without duly appreciating the evidence and materials available on record. It is contended that the Tribunal gravely erred in holding that there were no witnesses or public reports to establish the occurrence of the accident, when, in fact, the DRM Report clearly recorded the statements of witnesses who have spoken about the accident. It is further submitted that the Tribunal failed to note that the Final Report concludes that the death was due to an “accidental fall from a running train” and erred in holding otherwise. The learned counsel would vehemently contend that the Tribunal was not justified in holding that the deceased was not a *bona fide* passenger merely because no ticket was recovered from the scene, without considering the possibility that the ticket might have been lost in the course of the accident.

9. Further reliance is placed on the judgments of the Hon’ble Apex Court in the case of *Union of India v. Jameela & Ors* reported in *AIR 2010 SC 3705* and *Prabhakaran Vijayakumar v. Union of India* reported in *2008 (4) MLJ 323 (SC)* to support his contention. The learned counsel would further submit



that, in the absence of any oral or documentary evidence adduced by the respondent to disprove the case of the appellants, the Tribunal ought to have allowed the claim for compensation. In view of the aforesaid submissions, it is prayed that this Court may be pleased to allow the present appeal.

10. *Per Contra*, countering the aforesaid arguments, the learned counsel appearing on behalf of the respondent would submit that the learned Tribunal has rightly appreciated the evidence on record and dismissed the claim petition. It is submitted that the appellants have failed to establish that the deceased was a *bona fide* passenger, as no valid ticket was recovered from the body or the place of accident, nor was any satisfactory evidence produced to prove that the deceased had undertaken the journey. The learned counsel would submit that, in the absence any cogent evidence, the Tribunal had rightly held that the possibility of the deceased being a trespasser and the accident being a case of run-over cannot be ruled out. It is also contended that the burden of proving that the deceased was a *bona fide* passenger and that the incident was an “untoward incident” squarely lies on the appellants. Therefore she prays this court to dismiss the above appeal as devoid of merits.

11. I have heard the rival submissions made by both the sides and have perused the materials available on record



12. The primordial contention of the appellants is that the Railway Claims Tribunal failed to properly appreciate the evidence and materials available on record, particularly the Final Report and the DRM Report. A perusal of the DRM Report clearly reveals that the Enquiry Officer had conducted a detailed investigation and recorded the statements of co-passengers of Train No.16615, viz., Mannargudi–Coimbatore Chemmozhi Express, who have categorically stated that, on 29.05.2018, an unknown co-passenger accidentally fell from the running train near Veerakkiyam Railway Station, which is consistent with the location where the body of the deceased was subsequently recovered in a decomposed state. For better appreciation of the facts, the relevant portion of the DRM Report is extracted hereunder:

“During the course of enquiry, Sri.P.Sasidharan, (Guard/CBE) stated that on 28/29.05.2018, he has performed duty by train No.16615 Exp. from Thiruchirappalli to Coimbatore. During his duty hours, on 29.05.2018, at about 00.47hrs, when the train reached Karur Railway station, some passenger of the train reported that one unknown passenger had fallen down from the train near Virarakkiyam Railway station. Immediately, he informed the matter to on-duty Station Master/Karur over Walkie-Talkie and the train restarted at 00.50hrs from Karur Railway station.

Sri.N.John Basha, (Co-passenger of the deceased) stated that on 28/29.05.2018, he travelled in the general coach of train No.16615 Exp. from Thiruchirappalli to Karur. During his travel, while the train was running between Virarakkiyam and Karur Railway stations, the passengers of the general coach shouted due to one unknown passenger who was travelling on the foot board of the coach, fallen down from the running train. In this regard, he informed the matter to on duty Station Master/Karur when the train reached Karur Railway station.”

Further the reading of the Final Report would also confirm that the death of



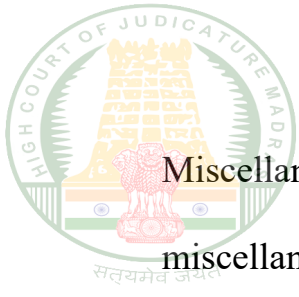
the deceased had happened due to the falling from the running train, for better appreciation the relevant portion of the Final report is extracted hereunder.

WEB COPY

“மேலும் சாட்சிகளின் வாக்குமூலத்திலிருந்தும் பஞ்சாயத்தார்களின் அபிப்பிராயத்திலிருந்தும் என்னுடைய நேரடி விசாரணையிலிருந்தும் மறைமுக விசாரணையிலிருந்தும் மருத்துவரின் வாக்குமூலத்திலிருந்தும் மேற்பட்ட பிரேதமானவரின் இறப்பானது ஓடும் இரயிலில் இருந்து தவறி கீழே விழுந்த இறந்துள்ளார் என்று தெள்ளத்தெளிவாக தெரியவருகிறது. எனவே இம்மரணம் “ACCIDENT FALLEN DEATH FROM RUNNING TRAIN” என முடிவு செய்து இறுதியறிக்கை சமர்ப்பிக்கிறேன்.”

13. From the aforesaid findings, it is evident that the learned Railway Claims Tribunal erred in holding that there were no witnesses or public reports regarding the deceased falling from the running train. This Court is also of the considered view that the Tribunal further erred in concluding that the deceased was not a *bona fide* passenger merely on the ground that no ticket was recovered from the scene of accident. This court agrees with the contention made by the appellant that the Tribunal failed to consider the reasonable probability of the ticket being lost during the course of the accident or misplaced along with the belongings of the deceased.

14. In light of the aforesaid discussion, this Court holds that the appellants are entitled to compensation of Rs.8,00,000/-, being the fixed quantum of compensation amount. Accordingly, the respondent is directed to pay a sum of Rs.8,00,000/- with interest at 12% per annum from the date of filing of the claim petition till the date of realization. In fine, the Civil



Miscellaneous Appeal stands allowed. Consequently, the connected miscellaneous petitions are closed. However, there shall be no order as to costs.

WEB COPY

21.04.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

PBN

To
The Union Of India
Owning Southern Railway,
Rep. By Its General Manager,
Chennai-600003



WEB COPY

CMA No. 3385 of 2



K.KUMARESH BABU, J.

PBN

A Pre-delivery judgment made in
CMA No. 3385 of 2021

21.04.2026