

HON'BLE SRI JUSTICE S. RAVI KUMAR

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CIVIL MISCELLANEOUS APPEAL No.1027 of 2009

JUDGMENT:

This appeal is preferred challenging the order dated 16.12.2005 in O.A.A.No.227 of 1999 on the file of Railway Claims Tribunal, Secunderabad Bench, at Secunderabad.

2. Respondents herein submitted an application under Section 16 of Railway Claims Tribunal Act r/w. Section 124-A and 125 of Indian Railways Act claiming a compensation of Rs.4,00,000/- for the death of their son P.Sreenivasa Rao in an untoward incident of accidental fall from East Coast Express between Gollaprolu and Pitapuram railway stations.

3. Appellant herein resisted the claim on the ground that the deceased was not a bonafide passenger and the alleged fall is not an untoward incident and as such the claimants are not entitled for any compensation and the appellant is not liable to pay any amount.

4. On these contentions Railway Claims Tribunal (for short 'the Tribunal') conducted enquiry and on the basis of evidence adduced before it, over ruled the objections of the appellant herein and held that the deceased died in a railway accident and entitled for compensation and accordingly granted compensation of Rs.4,00,000/- with interest @ 6% p.a. Aggrieved by the said order, Railways preferred the present appeal.

5. Heard arguments.

6. Advocate for appellant submitted that the deceased was aged 29 years as on the date of alleged incident and that he is not a bonafide passenger and he has not produced his journey ticket to prove that he travelled in the East Coast Express from Visakhapatnam on the fateful day and the Tribunal without considering these objections granted compensation and the same is not legal. He further submitted that the compensation granted by the Tribunal is contrary to

the provision under Section 123 (c) (2) r/w. Section 124 (a) of Indian Railways Act. He further submitted that the Tribunal without considering the circumstances, facts and probabilities of the case, granted compensation and the same is liable to be set aside.

7. Advocate for the claimants supported the order of the Tribunal.

8. Now the point that would arise for my consideration is:

Whether the Award of Claims Tribunal is legal, proper and correct?

POINT:

9. As seen from the record respondents 1 and 2 herein as parents of the deceased, made a claim for the death of their son alleging that their son died in an untoward incident of accidental fall from East Coast Express between Gollaprolu and Pitapuram Railway stations and died on the spot due to injuries. Before the Tribunal, one of the claimant is examined as AW.1 and brother of the deceased is examined as AW.2.

10. As seen from the evidence, the younger brother of the deceased deposed that he accompanied his deceased brother to Visakhapatnam Railway station and that the deceased purchased journey ticket upto Vijayawada and that he accompanied his brother on to the platform by purchasing platform ticket and that East Coast Express came late on that day and that his deceased brother boarded in a general compartment. He further deposed that on the next day at about 8.00 p.m., the Government Railway Police contacted him and thereafter he reached Pitapuram and identified the dead body as that of his deceased brother and none of the belongings of the deceased including the ticket were traced. This witness was cross-examined on behalf of the Railways, but nothing could be elicited from him to doubt his testimony.

11. Considering the same, the Tribunal discarded the objection of Railways and granted compensation. I do not find any

wrong appreciation of evidence by the Tribunal and on the other hand, it rightly accepted the evidence of AW.2, whose evidence is supported and corroborated with the circumstances leading to the death of P.Sreenivasa Rao.

12. On a scrutiny of the material, I am of the view that Tribunal has rightly granted compensation and the same is not contrary to any of the provisions of the Indian Railways Act.

13. For these reasons I am of the view that there are no grounds to interfere with the compensation granted by the Tribunal and that the appeal is devoid of merits.

14. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Miscellaneous Petitions, if any pending, in this appeal, shall stand closed.

S. RAVI KUMAR, J

Date: 1st March, 2016
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