

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.160 of 2008

Date:22.07.2016

Between:

The Union of India
Rep by the General Manger,
South Central Railway,
Secunderabad.

... Appellant.

AND

Gudisa Ramulu and another.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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JUDGMENT:

This appeal is preferred against order dated 23-11-2007 in O.A.A.No.270/2002 on the file of Railway Claims Tribunal, Secunderabad Bench.

2. Respondents herein submitted application to the Railway Claims Tribunal contending that their mother G.Jangamma died in an untoward incident of accidental fall from Train No.672 at Sivarampally Railway Station on 30-08-2002 and that they are entitled for compensation of Rs.4,00,000/-. Appellant-Railways disputed the claim mainly on the ground that Train No.672,

Secunderabad – Umdanagar reached Umdanagar station and in return direction, the same Guard worked for Train No.672. They contended that the said train runs between Umdanagar and Secunderabad, while the deceased was holding ticket from Shadnagar to Shivarampally and that there was no need to the passenger who purchased ticket at Shadnagar to board the train at Umdanagar to travel up to Sivrampally as there are direct trains from Shadnagar.

They contended that the deceased was not a bonafide passenger and the incident do not fall under Section 124-A and Section 123 (c) (2) of Railways Act. On these contentions, Claims Tribunal conducted enquiry during which one witness was examined and five documents were marked on behalf of claimants, two witnesses were examined and two documents were marked on behalf of railways and on a over all consideration of oral and documentary evidence, Claims Tribunal discarded the objection of the Railways and granted compensation. Aggrieved by the order of the Railway Claims Tribunal, present appeal is preferred.

3. Heard both sides.

4. Now the point that would arise for my consideration in this appeal is whether order of the Court below is legal, proper and correct?

5. **Point:-**According to claimants, their mother fell down from Train No.672 at Shivarampally on 30-08-2002 and that she was holding II Class journey ticket from Shadnagar to Shivrampally. On the other hand, it is the objection of the railways that there was no need for the deceased to board the train at Umdanagar to travel up to Shivarmpally, therefore, the question of deceased falling down at Shivaramppally is not correct. On behalf of the Railways, Guard of

the train was examined as R.W.1 and Station Superintendent was examined as R.W.2. They stated that Train No.672 runs between Falaknama and Secunderabad and it does not touch Shivarampally Railway Station at all. But their evidence is contrary to the pleading that was taken in the written statement and considering the same, Claims Tribunal has not accepted the objection of the railways. Further evidence of A.W.1 is supported and corroborated with the contents of F.I.R., and inquest report. Even from the evidence of R.W.1, it is clear that he was instructed by the Station Master, Umdanagar to pick up the injured lady at Shivarampally and that he saw the injured lady on the platform at Shivarampally that he rendered first aid with the help of other passengers and took the injured in a train and handed over injured to Deputy Station Superintendent, Kachiguda. This part of evidence is contrary to the plea that the train does not touch Shivarampally Railway Station. As seen from the record, the Claims Tribunal has elaborately considered these aspects and discarded the objection of Railways I do not find any wrong appreciation of evidence or any incorrect findings in the order of the Claims Tribunal.

6. For these reasons, I am of the view that the appeal is devoid of merits and liable to be dismissed.

7. Accordingly, appeal is dismissed as devoid of merits and as a sequel, miscellanies petitions, if any, pending in this appeal shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

Date:22.07.2016

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