

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.37 of 2010

Date:14.06.2016

Between:

The Union of India
rep by its General Manager,
South Central Railways,
Secunderabad.

... Appellant.

AND

Sakili Mariamma and another.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.37 of 2010

JUDGMENT:

This appeal is preferred against orders dated 05-10-2009 in O.O.A.No.176/2004 on the file of Railway Claims Tribunal, Secunderabad Bench.

2. Respondents 1 to 3 submitted application under Section 16 of Railway Claims Tribunal Act read with Section 124 & 124-A of Railways Act claiming compensation of Rs.4,00,000/- for the death of S. Navaratnababu contending that the said Navarantababu died in an

untoward incident on 07-04-2004. According to claimants, the deceased purchased journey ticket from Nallapadu to Tenali under Ticket No.3617 for Train No.351 and he along with his brother's son tried to board Train No.416-Passenger, when the train started with a sudden jerk, the deceased slipped and fell accidentally at Guntur station and sustained severe injuries and that they are entitled for compensation of Rs.4,00,000/-. Railways resisted the claim mainly on the ground that the ticket produced by the claimants is a planted one, which was taken from one Pathipati Abraham and that there is no liability on the part of the railways to pay compensation. On these contentions, Claims Tribunal conducted enquiry during which, two witness were examined and seven documents were marked on behalf of the claimants and no witness was examined and no document was marked on behalf of the Railways and on a over all consideration of oral and documentary evidence, Claims Tribunal disbelieved the objection of the Railways and granted compensation. Now aggrieved by the award of the Claims Tribunal, Railways preferred the present appeal.

3. Heard both sides.

4. Advocate for appellant submitted that the order of the Tribunal is illegal and not sustainable under law as it is contrary to the evidence on record. He submitted that the deceased was not a bonafide passenger and the ticket issued to one P. Abraham at Nallapadu railway station was planted to claim compensation from the railways. He submitted that these aspects were not properly considered by the Claims Tribunal and the order of the Tribunal is to be set aside.

5. On the other hand, Advocate for claimants submitted that

evidence of A.Ws.1 & 2 would clingingly show that the deceased purchased ticket and died in an untoward incident and the Claims Tribunal has properly appreciated evidence on record and there are no grounds to interfere with the order of the Claims Tribunal.

6. Now the point that would arise for my consideration in this appeal is whether order of the Claims Tribunal is legal, proper and correct?

7. **Point:-**It is specific case of claimants that on 07-01-2004, the deceased, while trying to board Train No.416- Passenger, accidentally fell and sustained injuries and thereafter, succumbed to injuries. The main objection of the railways is that the ticket, which was marked as Ex.A1 is a planted one and the deceased did not travel from Nallapadu. Though railways specifically contended that Ex.A1 is a planted one and not a genuine ticket, they have not produced any evidence either oral or documentary to substantiate their plea. When the railways contended that Ex.A1 ticket is not genuine one, the burden is on them to prove the same. On the other hand, A.W.2, who is the brother's son of the deceased, gave a statement supporting the version of the claimants. Admittedly, the said witness i.e., A.W.2 was with the deceased as passenger who deposed that deceased, while trying to board train, fell down. As rightly pointed out by Advocate for claimants, Claims Tribunal has rightly appreciated evidence on record and negated the objection of the railways as there was no material to support the plea of the railways. It is well known principle that any pleading without evidence is of no use and by mere taking a plea, the railways cannot disown their liability. As seen from the material, the deceased was a bonafide passenger, who fell from the train in an untoward incident and died and therefore, appellant is liable to pay compensation and

the Claims Tribunal rightly awarded compensation and I do not find any grounds to interfere with the findings of the Claims Tribunal.

8. For these reasons, appeal is dismissed as devoid of merits and as a sequel, miscellaneous petitions, if any, pending in this appeal, shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

Date:14.06.2016

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