

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**C.M.A No.350 of 2013**

–  
**Date:19.08.2016**

**Between:**

The Union of India,  
Rep by its General Manager,  
South Central Railway,  
Secunderabad.

... Appellant.

**AND**

Kada Suryanarayana and others.

... 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 28-11-2012 in OAA.No.396/2006 on the file of Railway Claims Tribunal, Secunderabad Bench.

2. Respondents herein submitted application under Section 16 of the Railway Claims Tribunal Act read with Sections 124 & 124A of Railways Act contending that deceased K. Srinivasa Rao left the house at about 12:00 Noon on 27-01-2006 and on seeking the newspaper on 31-01-2006, they came to know that the said Srinivasa Rao died in an untoward incident of accident. They claimed a sum of Rs.4,00,000/- as compensation and Railways opposed the claim on the ground that the

claimants have not filed journey ticket so also did not mention the journey particulars and therefore there is no liability on the railways to pay any compensation as the deceased was not a bonafide passenger. On these contentions, Claims Tribunal conducted enquiry, during which one witness was examined and seven documents were marked on behalf of the claimants and two witnesses were examined and four documents were marked on behalf of the Railways and one witness was examined and one document was marked as Court witness. On a consideration of oral and documentary evidence, Claims Tribunal negated the objection of the Railways and granted compensation. Aggrieved by the same, Railways preferred the present appeal.

3. Heard both sides.

4. Advocate for appellant submitted that the Tribunal failed to appreciate the objection taken by the Railways in a proper way and failed to notice that the initial burden is not discharged by the claimants. He submitted that the order of the Claims Tribunal is contrary to law and liable to be set aside.

5. On the other hand, Advocate for claimants submitted that Court below has rightly held that the deceased-Srinivasa Rao died in an untoward incident and rightly granted compensation and that there are no grounds to interfere with the findings of the Railway Claims Tribunal.

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

7. **Point:-** As seen from the record, the claimants contended that the deceased left the house at about 12:00 Noon on 27-01-2006 and they came to know about the death only on seeing the advertisement in a newspaper and that they could identify the body on the basis of clothes shown to them by the police. It is clear from the evidence that postmortem was conducted even before identification of the dead body. Only on

seeing the advertisement, claimants approached the Railway Police on 31-01-2006 and by seeing the clothes of the deceased, they have identified the deceased as Srinivasa Rao.

As seen from the Divisional Manager's Report, it was mentioned that during investigation, the dead body was identified as that of K. Srinivasa Rao. Though Railways contended that the deceased is not a bonafide passenger, the fact remains that his dead body was crushed beyond recognition and parts are separated and they were found within the precincts of the railways. Considering these aspects, Claims Tribunal recorded a finding that the deceased is a bonafide passenger and died as a result of accidental fall from the train and granted compensation. I do not find any wrong in the order of the Claims Tribunal authority nor any perversity in recording such a finding.

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

9. Accordingly, appeal is dismissed and as a sequel, miscellaneous petitions, if any, pending in this appeal, shall stand dismissed.

No costs.

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***JUSTICE S. RAVI KUMAR***

**Date:19.08.2016**

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