

THE HON'BLE SRI JUSTICE A,RAJASHEKER REDDY

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C.M.A.NO.484 OF 2013

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JUDGMENT:

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This appeal is filed by the appellants/claimants against the order, dt.12.03.2013 passed in O.A.A.No.166 of 2008 on the file of Railway Claims Tribunal, Secunderabad Bench dismissing the claim petition filed by the appellants/claimants under Section 16 of the Railway Claims Tribunal Act, 1987 read with the provisions of Section 124-A & 125 of the Railways Act, 1989 (for short 'the Act') seeking compensation of Rs.4,00,000/- from the respondent for the death of China Subbaiah (herein after referred to as 'the deceased') in an untoward incident.

The learned counsel for the appellants submits that the Tribunal erroneously dismissed the said application filed by the appellants on the ground that the Certificate issued by the Tahsildar does not disclose the names of the daughters of the deceased and they are not impleaded in the said application. The Tribunal also found that the second appellant who is the son of the deceased was examined himself as AW-1 and admitted in his evidence that he is having three more sisters but they are not impleaded in the said application. The learned counsel for the appellants submits that while returning to

Narasaraopet an untoward incident has occurred between Narasaraopet and Munumaka Railway stations and the petitioner was holding ticket No.30156608.

Heard the learned counsel for the appellants.

It has to be seen that the second applicant therein has clearly admitted in his evidence that he has three sisters, but they are not made as parties to the claim petition. The Tribunal holding that when the legal representatives are not brought on record, it is not proper to go into the other aspects and thereby dismissed the said application.

As the appellants have not impleaded three daughters of the deceased, the quantum of compensation is not decided by the Tribunal.

In view of above facts and circumstances of the case, I deem it appropriate to set aside the impugned order and remit the matter back to the Tribunal for passing orders afresh, after filing an application by the appellants for impleading three daughters of the deceased.

The Appeal is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.18.01.2016
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