

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.1328 OF 2008

Dated 25-7-2016

Between:

Yanamala Venkataramana Reddy and another.

..Appellants.

And:

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

..Respondent.

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JUDGMENT:

This appeal is preferred against order dated 16-7-2008
in O.A.A.No.189 of 2003 on the file of Railway Claims
Tribunal, Secunderabad Bench.

Respondents 1 and 2 herein submitted application
under Section 16 of Railway Claims Tribunal Act and read
with Section 124-A and 125 of Indian Railways Act
contending that deceased Yanamala Venkataramana
Reddy died in an untoward incident that happened on 13-3-
2003 near Nellore South Railway Station. According to them
on the fateful day, the deceased along with his brother-in-law
by name P.Vijay Kumar Reddy boarded train No.6045
Navjeevan Express after purchasing journey ticket from
Nellore to Chennai and while both of them traveling in that
train, the deceased slipped and fell down near Nellore South
Station, sustained injuries and died on the spot. They further
contended that the ticket was lost in the accident.

Railways resisted the claim of applicants on the
ground that Railway Halt Agent of Nellore South Station
reported about unidentified dead body aged about 45 years
lying on up line at K.M.172/17-15, whereas the applicants
have stated that the deceased was only 27 years old. As
the age difference is almost 20 years, claim is suspicious.

They further opposed claim contending that there was no untoward incident and it is not a case of accidental fall.

On these contentions, Railway Claims Tribunal conducted enquiry and on consideration of evidence of A.Ws.1 and 2 and documents Exs.A.1 to A.7 disbelieved the version of railways and granted compensation of Rs.4,00,000/-. Aggrieved by the same, railways preferred the present appeal.

Heard arguments.

Advocate for appellant submitted that tribunal ought to have observed that claimant has not produced any evidence to show that the deceased was a bonafide passenger for train No.6045 Navjeevan Express. Further stated that there is also no material to show that the deceased died in untoward incident falling from train and therefore, Claims Tribunal grossly erred in granting compensation.

On the other hand, advocate for claimants submitted that evidence of A.W.2 clearly supported the version of claimants and there is no rebuttal evidence on behalf of Railways and Claims Tribunal rightly granted compensation and that there are no grounds to interfere with the same.

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

POINT:

It is specific case of claimants that on 13-3-2003, the deceased along with his brother-in-law by name P.Vijaya Kumar Reddy boarded train number 6045 Navjeevan Express to go to Chennai from Nellore. The said P.Vijay Kumar Reddy is examined as A.W.2. He deposed that he along with his brother-in-law boarded train No.6045 Navjeevan Express at Nellore Railway station having purchased ticket from Nellore to Chennai. He deposed that he boarded in general compartment and that both of them were going to Chennai in search of jobs. He deposed that the deceased and himself have completed B.Tech course and that they both purchased two separate tickets and

deceased kept his ticket in his pocket. He further deposed that immediately after the train left Nellore Railway Station, the deceased went for toilet and when the train reached Gudur, he came to know that some student has fallen from the train at Nellore South Station and therefore, he returned to Nellore and came to know that person fell down from the train is deceased. He stated that the dead body was found at Nellore South Station on the track at K.M.No.172/18-15 and that there were drag marks for nearly 10 meters. His evidence is supported by documents Exs.A.1 to A.7 particularly, Ex.A.2 Inquest Report. As against the documents marked on behalf of claimants, no evidence is produced on behalf of Railways to rebut the evidence of claimants including that of A.W.2. Considering the same, claims tribunal granted compensation treating incident as untoward incident.

As seen from the evidence of A.W.2, it is clear that deceased boarded Navjeevan Express 6045 at Nellore Railway Station.

In *UNION OF INDIA v. PRABHAKARAN VIJAYA KUMAR AND OTHERS*, (^[1]), the Honourable Supreme Court held that if a person falls while trying to get into moving train or trying to get down from moving train and falls down resulting to death or injury with a bonafide ticket or not, is entitled for compensation.

So here when the evidence on record disclosed that the deceased fell from Navjeevan Express in between Nellore and Guduru and that dead body was found on the railway track, the contention of appellant that they have no liability to pay compensation is absolutely incorrect and the Claims Tribunal has rightly fixed liability on the railways.

On a scrutiny of material, I am of the view that Railway Claims Tribunal properly evaluated evidence on record and came to a right conclusion and that there are no grounds to interfere with findings of the Claims Tribunal.

For these reasons, this appeal is dismissed. No costs.

As a sequel to the disposal of this appeal,

Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 25-7-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs

[\[1\]](#) (2008) 9 SCC 527