

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.932 of 2013

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is filed by the appellants/applicants, challenging the order, dated 12.09.2013, passed in O.A.A.No.151 of 2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the claim petition filed by the appellants/applicants claiming a compensation of Rs.4,00,000/- for the death the deceased-V.Balaji Reddy in an untoward incident of accidental fall from a running train, was dismissed.

2. Heard the learned counsel for the appellants/applicants, the learned Standing Counsel for the respondent/Railways and perused the record.

3. The learned counsel for the appellants/applicants would contend that the deceased-V.Balaji Reddy was a *bona fide* passenger of Train No.2655 Navjeevan Express travelling from Ongole to Nellore on 07.07.2004 and died in an untoward incident of accidental fall from the said train. The Tribunal erroneously held that the injuries suffered by the deceased were self-inflicted injuries and declined to grant compensation in favour of the appellants/applicants and ultimately prayed to allow the appeal by setting aside the order under challenge and grant compensation as claimed.

4. On the other hand, the learned Standing Counsel for the respondent-Railways would contend that there is no iota of evidence on record to substantiate the alleged accidental fall of the deceased from the running Train No.2655 Navjeevan Express while travelling from Ongole to Nellore on 07.07.2004. The Tribunal, after analysing the entire evidence on record, rightly dismissed the claim petition. There is no infirmity in the order under challenge and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. As rightly contended by the learned Standing Counsel for the respondent-Railways, there is no iota of evidence on record to substantiate the alleged accidental fall of the deceased from the running Train No.2655 Navjeevan Express while travelling from Ongole to Nellore on 07.07.2004. There is ample evidence on record, particularly the evidence of R.W.1 and C.W.1, to demonstrate that the deceased suffered fatal injuries due to hit by a train while he was crossing a railway track and succumbed to the said injuries. The Tribunal assigned number of reasons in dismissing the claim petition of the appellants/applicants and ultimately held that the deceased was neither a *bona fide* passenger of Train No.2655 Navjeevan Express travelled from Ongole to Nellore on 07.07.2004 nor died in an untoward incident of accidental fall from the said train. The findings of the Tribunal are in consonance with the evidence on record. There is nothing to take a different view. There is no infirmity in the order under challenge. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed, confirming the order, dated 12.09.2013, passed in O.A.A.No.151 of 2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad.

There shall be no order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

28th December, 2018
Bvv

