

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.688 of 2012

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is filed by the appellant-applicant, challenging the order, dated 19.04.2012, passed in O.A.A.No.347 of 2003 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the claim petition filed by the appellant-applicant claiming a compensation of Rs.4,00,000/- for the death of the deceased-A.Suseela in an untoward incident of accidental fall from a running train, was dismissed.

2. Heard both sides. Perused the record.

3. This appeal is filed by one Ongolu Sheshagiri, who is said to be the sister's son of the original applicant. He was brought on record during the pendency of the application before the Tribunal. The Tribunal framed issue No.1 as to "Whether the present applicant is the legatee of the original applicant No.1 Smt. Sambaraju Rangamma?" and answered the said issue against the appellant-applicant and accordingly dismissed the claim petition.

4. It is appropriate to state that the dependant/s of a person who dies as a result of an untoward incident of accidental fall from a running train is/are entitled to claim compensation as envisaged under Section 124A of the Railways Act, 1989. It is not the case of the appellant herein-Ongolu Sheshagiri that he is the dependant of the deceased-Adluri Suseela. As per the submissions in the original

application, the mother of the deceased/Sambaraju Rangamma was the dependant of the deceased. The application filed by the mother of the deceased excludes the appellant herein as dependant on the deceased. The appellant is relying on a Will said to have been executed by original applicant in his favour on 18.10.2003. The Tribunal doubted the genuineness of the Will dated 18.10.2003 and declined to grant compensation. There is no infirmity. The appellant is not entitled for compensation as the dependant of the deceased. The Tribunal rightly declined to grant compensation. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed, confirming the order, dated 19.04.2012, passed in O.A.A.No.347 of 2003 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.

26th October, 2018
Bvv

Dr. SHAMEEM AKTHER, J