

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.1045 OF 2012

JUDGMENT:

The Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 is directed against the order, dated 30.05.2011, in O.A.A.No.444 of 2006 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad, (for short, 'the Tribunal'), whereunder and whereby, the claim of the appellants/applicants under Section 16 of the Railway Claims Tribunal Act, 1987 read with Sections 124-A and 125 of the Railways Act, 1989 with regard to grant of compensation of Rs.4,00,000/- consequent on the death of the deceased Perabathula Ramadevi in an alleged untoward incident of railway accident that took place on 01.03.2006 was dismissed.

2. Heard the learned counsel for the appellants/applicants and the learned Standing Counsel for the respondent/Railways. Perused the material on record.

3. In the course of submissions made by the learned counsel on both sides, it has come to light that the applicants have given the Dependency Certificate to their counsel on record, but their counsel did not file the same for the reason best known to him and the Tribunal was pleased to hold that the applicants were not the dependents on the deceased Perabathula Ramadevi, and without deciding the other issues *viz.*, whether the deceased Perabathula Ramadevi was a *bona fide* passenger of train Link Express travelling from Vijayawada to Khammam on 01.03.2006? and

whether the deceased Perabathula Ramadevi died as a result of an untoward incident of accidental fall from the said train?, the Tribunal was pleased to dismiss the application. Now, it is contended that an opportunity be given to the applicants to file the Dependency Certificate and adduce evidence. The Railways Act is a beneficial legislation for the accident victims and their dependants. In view of the circumstances narrated, an opportunity is required to be given to the applicants to file Dependency Certificate and adduce evidence. Therefore, the order, dated 30.05.2011, in O.A.A.No.444 of 2006 passed by the Tribunal is set aside.

4. Accordingly, the appeal is allowed and the matter is remanded to the Tribunal. The Tribunal is directed to give an opportunity to the appellants/applicants to file the Dependency Certificate and adduce evidence and a similar opportunity may also be given to the respondent and then, dispose of the matter in accordance with law, as expeditiously as possible, within a period of three (3) months from the date of receipt of a copy of this judgment. There shall be no order as to costs.

5. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 25.10.2018
AMD

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