

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.592 of 2010

JUDGMENT

This Civil Miscellaneous Appeal is filed under Section 23 of the Railway Claims Tribunal Act, 1987, by the appellant-railways aggrieved by the order, dated 29.04.2010 in O.A.A.No.89 of 2006 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short 'the Tribunal).

2. Heard the learned Standing Counsel for appellant-Railways, the learned counsel for the respondents-claimants and perused the record.

3. The learned Standing Counsel for appellant-Railways would contend that applicants did not prove that they are dependents of the deceased. Further, Exs.A1 to A9 were not proved by examining the police officials concerned.

4. On the other hand, learned counsel for the respondents-applicants would contend that there is oral and documentary evidence to prove that the applicants were dependents of the deceased. Further, there is no infirmity in marking Ex.A1-copy of FIR, Ex.A2-copy of inquest report, Ex.A3-copy of post mortem report, Ex.A4-journey ticket, Ex.A5-death certificate, Ex.A6-family member certificate, Ex.A7-police certificate, Ex.A8-final report and Ex.A9-journey tickets and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the points that arise for determination are as follows:

1. Whether the applicants are the dependents of the deceased-M.Sathivelu?

2. Whether the Tribunal rightly placed reliance on Exs.A1 to A9 documents?

6. The applicants have filed Family member certificate and it was marked as Ex.A6, which shows that they are dependents of the deceased. Further, there is also oral evidence of A.W.1. Under these circumstances, it cannot be said that the applicants are not dependents of the deceased. Therefore, the Tribunal rightly held that the applicants are dependents of the deceased. There is no need to get the police officials into the witness box to prove the other documents. Had the appellant had any doubt with regard to the genuineness of the said documents, it would have rebutted the same by leading on cogent evidence. Hence, there is no infirmity in marking the said documents. The findings are based on evidence on record. There are no grounds to interfere with the impugned order.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date : 03.10.2018
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