

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.703 OF 2014

JUDGMENT:

The Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 is directed against the order, dated 17.06.2014, in O.A.A.No.332 of 2008 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 Section 124-A of the Railways Act, 1989 with regard to grant of compensation consequent on the death of the deceased Ramu in an untoward incident of railway accident 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 Tribunal while adjudicating the matter, held that the appellants/applicants were not dependents on the deceased Ramu. But, from the oral evidence adduced and the document marked Ex.A.5-xerox copy of ration card, it is sufficient to hold that the appellants/applicants are wife, minor son and mother of the deceased and they were dependents on the deceased. Therefore, the findings of the Tribunal on this aspect are set aside. The appellants/applicants are held to be dependents of the deceased Ramu.

4. The Tribunal had not adverted to the other issues i.e., whether the deceased was a *bona fide* passenger and died in an untoward incident of accidental fall from Train No.2660 Gurudev Express. These issues are yet to be answered to determine the compensation payable to the appellants/applicants.

5. Under these circumstances, the Civil Miscellaneous Appeal is allowed setting aside the impugned order dated 17.06.2014, passed in O.A.A.No.332 of 2008 and the matter is remanded to the Tribunal to pass appropriate orders in accordance with law, after providing an opportunity to both sides to put forth evidence and hearing. Since the subject accident relates to the year 2008, the Tribunal shall dispose of the claim application within six months from the date of receipt of a copy of this Judgment.

Miscellaneous petitions pending, if any, in this appeal shall stand closed. There shall be no order as to costs.

DR.JUSTICE SHAMEEM AKTHER

NOVEMBER 12, 2018
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Date: 12.11.2018

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