

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.654 of 2014

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 28.04.2014, passed in O.A.A.No.120 of 2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the Tribunal dismissed the application of the appellants claiming a compensation of Rs.4,00,000/- for the injuries sustained by him in an untoward accidental fall from train No.535 Secunderabad-Kurnool Town Passenger in between Umdanagar and Timmapur railway stations while travelling from Huppuguda to Kurnool Town on 24.12.2004.

2. Heard both sides. Perused the record.

3. The learned counsel for the appellant-applicant would contend that the applicant suffered injuries in an untoward incident of accidental fall from train No.535 Secunderabad-Kurnool Town Passenger while travelling from Huppuguda to Kurnool Town on 24.12.2004 and he was admitted by the railway authorities in Osmania General Hospital, Hyderabad; in Ex.A.12-case sheet, the name of the applicant was corrected as 'Satish' and the patient was taken away from the hospital against medical advice by his elder brother and his elder brother signed relevant form, it is part and parcel of Ex.A.12-case sheet; the Tribunal erroneously dismissed the claim application without

considering the evidence on record; and ultimately, prayed to
prayed to set aside the impugned order and grant compensation
in favour of the appellants-applicants by allowing the appeal.

4. On the other hand, the learned counsel for the
respondent-Railways would contend that there is no evidence to
prove that the applicant was admitted in Osmania General
Hospital on 25.12.2004 and there is dispute that the injuries
suffered in the accident made the applicant insane; the Tribunal
rightly dismissed the claim application of the applicant; there is
no infirmity in the impugned order; and ultimately, prayed to
dismiss the appeal.

5. The material on record reveals that the Tribunal for
want of proper identification of the applicant was pleased to
dismiss the claim application. Now the applicant wanted to
examine his brother, who took away him from the Osmania
General Hospital, Hyderabad, and got him admitted in Apollo
Hospital on 25.12.2004. Since the legislation under the Railway
Claims Tribunal Act, 1987, is a beneficial legislation favouring of
the victims in railway accidents, an opportunity is to be given to
the applicant to adduce evidence to establish his identity and
also relevant factors to claim compensation under the Act.
Under these circumstances, the impugned order is liable to be
set aside and the matter is remanded to the Tribunal for disposal
afresh in accordance with law.

6. In the result, the appeal is allowed, setting aside the
impugned order, dated 28.04.2014, passed in O.A.A. No.120 of

2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad, and the matter is remanded to the Tribunal to answer all the issues afresh, giving opportunity to both parties to adduce evidence, and thereafter, dispose of the matter in accordance with law, preferably, within a period of six months from the date of receipt of copy of this judgment. Pending Miscellaneous Petitions, if any, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

19th November, 2018

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