

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.559 of 2016

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railways Claims Tribunal Act, 1987, is filed by the appellants-applicants, challenging the order, dated 13.08.2015, passed in O.A. II (U) No.308 of 2005 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity), whereby, the Tribunal dismissed the claim petition filed by the appellants-applicants claiming compensation for the death of G.Ramesh in a railway accident, only on the ground that appellants-applicants failed to establish that they are the dependants of the deceased.

2. Heard both sides. Perused the record.

3. Section 124A of the Railways Act, 1989, *inter alia* provides that the dependents of the deceased have to file a claim application seeking compensation in case of death of a person in an untoward incident and such person shall travel in a train carrying passengers with a valid ticket. As seen from the impugned order, reasonable opportunity was not given to the appellants-applicants to produce necessary records to show that they were the dependents of the deceased. Therefore, one more opportunity can be given to the appellants-applicants to adduce evidence, both oral and documentary, to show that they are the dependents of the deceased and also to prove their case that the death of the

deceased took place in an untoward incident and that the deceased was a *bona fide* passenger travelling in a subject train.

3. Accordingly, the appeal is allowed and the impugned order is set aside. The matter is remitted to the Tribunal giving two months' time from the date of receipt of a copy of this order to the appellants-applicants to produce evidence with regard to their dependency on the deceased etc., and thereafter, another two months' time shall be given to the railway administration to produce their evidence, if any. Thereafter, the Tribunal shall dispose of the claim petition, on merits and in accordance with law, as expeditiously as possible. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

11th October, 2018
Bvv

Dr. SHAMEEM AKTHER, J

