

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**  
**CIVIL MISCELLANEOUS APPEAL No.946 OF 2012**

**JUDGMENT:**

The Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 is directed against the order, dated 10.03.2011, in O.A.A No.8 of 2005 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 Shaik Munwar in an untoward incident of accidental fall from Train No.8562 near Anakapally railway gate, while travelling from Vijayawada to Anakapalle, on 06.09.2004, 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 death of the deceased Shaik Munwar, aged about 20 years, is in question in this appeal whether he died in an untoward incident of accidental fall from Train No.8562. No copy of inquest, post-mortem examination report or any other document is filed before the Tribunal to prove that the deceased died in an untoward incident of accidental fall from the subject train. As there was no documentary evidence, the Tribunal rightly dismissed the application. The findings of the Tribunal are based on evidence on record. There is no infirmity in the order passed by the Tribunal.

There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

4. Accordingly, the appeal is dismissed.

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

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**NOVEMBER 12, 2018**

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**Date: 12.11.2018**

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