

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.409 OF 2015

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 20.03.2014, passed in O.A.A.No.320 of 2008 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad whereunder and whereby, the claim of the appellant/applicant under Section 16 of the Railway Claims Tribunal Act, 1987 read with Sections 124-A and 125 of the Railways Act, 1989 with regard to grant of compensation of Rs.4,00,000/- for the injuries suffered by her in a railway accident that took place on 16.08.2008 was partly allowed.

2. Heard the learned counsel for the appellant/applicant and the learned Standing Counsel for the respondent/Railways.

3. Learned counsel for the appellant/applicant would contend that there are other injuries besides the injury as enumerated at serial No.34 in Part III of the statutory schedule prescribed under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990; that the Tribunal has not considered the other injuries and has not granted any compensation for those injuries and ultimately, prayed to enhance the compensation and allow the appeal as prayed.

4. On the other hand, learned Standing Counsel for the respondent/Railways opposed to allow the appeal and contended that there are no grounds to allow the appeal; that the Tribunal

had rightly determined the compensation payable to the applicant as Rs.32,000/- and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel for both sides, the point that arises for determination is:-

“Whether the appellant/applicant is entitled for enhancement of compensation as prayed for?”

6. **P O I N T:-**

The injury suffered by the applicant falls under serial No.34 of Part III of the schedule prescribed under the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990. There is no infirmity in the impugned order passed by the Tribunal. The Tribunal rightly awarded an amount of Rs.32,000/- after considering the injuries suffered by the claimant and the circumstances of the case and there is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

8. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 08.11.2018
AMD

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