

HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. No.159 of 2014

JUDGMENT:

This appeal is filed by the appellants/applicants questioning the order passed in O.A.A.No.286 of 2006 dt.15-12-2011 of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, the Tribunal).

2. Brief facts of the case are that on 18-01-2006 when the deceased-Sandu Venkateswarlu was traveling in a train from Yerraguntla to Tirupathi and when it reached between Yerraguntla and Tirupathi stations, due to sudden jerks, he died. The applicants came to know about this accident on 22-01-2006 only and they rushed to the morgue and identified the deceased. Hence, they filed the application claiming compensation of Rs.4.00 lakhs towards for the death of the deceased.

3. Respondent-railways filed a Written Statement denying the allegations and contended that the amount claimed by the applicants is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal dismissed the application holding that the applicants failed to prove that they are the legal heirs of the deceased; that the death certificate does not mention about the place of death and

that there is no evidence at all to prove that the body discovered on the railway track was of the deceased-Venkateswarlu.

5. Heard Sri B.Parameswara Rao, learned counsel for the appellant/claimant and Sri Y.Vivekananda Swamy, learned Standing Counsel for the respondent-Railways.

6. Learned counsel for the applicants contends that the Tribunal erred in dismissing the application and that the Tribunal without properly appreciating the evidence on record came to the conclusion and held that there is no evidence to prove that the body was of the deceased-Venkateswarlu of Proddutur. He further submits that the claimants may be permitted to place before the Court a relevant document to support their case. Therefore, he prayed to allow the appeal and grant the compensation.

2. Learned Standing Counsel for the respondent-Railways vehemently contends that the Tribunal has rightly dismissed the application and he supported the order of the Tribunal.

3. After hearing the learned counsel for both the parties, in my considered view, the matter is to be considered afresh by the Tribunal as the claimants are intending to file relevant documents in support of their case before the Tribunal. Therefore, the matter is to be remanded back to the Tribunal for fresh consideration by appreciating the oral and documentary evidence to be adduced.

4. Accordingly, the appeal is allowed setting aside the order and decree dated 15-12-2011 in O.A.A.No.286 of 2006 and remanding the matter to the Tribunal for fresh disposal of the said O.A.A. on merits, after giving reasonable opportunity to both sides to adduce their evidence. No costs.

5. Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 06-12-2019
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