

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.1047 OF 2010

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short, 'the Act'), is directed against the order, dated 16.09.2010, in O.A.A.No.125 of 2005 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, 'the Tribunal'), whereby and whereunder, the Tribunal has awarded an amount of Rs.60,000/- towards compensation to the respondent/applicant for the injuries sustained by him in a railway accident.

2. The appellant herein is the respondent, whereas the respondent herein is the applicant before the Tribunal. For better appreciation of facts, the parties hereinafter are referred to as they were arrayed in the O.A.A. before the Tribunal.

3. The brief facts of the case are that on 05.04.2005, the applicant with a view to go to Shadnagar from Jedcherla went to Jedcherla Railway Station, purchased a passenger train ticket and boarded train No.536, Kurnool town to Secunderabad, in general compartment. After attending nature call, while he was washing his hands at the wash basin near the door, suddenly he slipped and fell down from the running train at the end of platform on off-side, when the train was leaving the platform of Jedcherla Railway Station, as a result of which, he sustained fracture to his left leg at the knee and his spinal cord was dislocated. Immediately, the

Station Superintendent, Jedcherla Railway Station, along with some other railway staff attended on him, rendered first aid and shifted him to the Government Hospital, Badepalle, for necessary treatment. From there, he was again shifted to Government Hospital, Mahabubnagar for further treatment. Again, he was referred to Osmania General Hospital, Hyderabad, wherein he was admitted as in-patient for better treatment and he was discharged on 27.04.2005. Therefore, the respondent/applicant filed the subject O.A.A. seeking compensation of Rs.1,20,000/- for the injuries sustained by him in an untoward incident.

4. The respondent/Railways filed written statement denying the averments made in the subject O.A.A. and prayed to dismiss the same.

5. The Tribunal, on considering the oral and documentary evidence available on record, by the impugned order, dated 16.09.2010, awarded compensation of Rs.60,000/- to the applicant, directing the respondent/Railways to deposit the said amount within a period of two months from the date of the order, with interest at 6% per annum from the date of application till the date of order and thereafter, at the rate of 9% per annum till realization.

6. Aggrieved by the same, the present appeal is preferred by the Railways.

7. Heard both sides. Perused the record.

8. This Court, by order, dated 16.12.2010, while admitting the appeal, granted interim stay subject to the condition of the appellant/railways depositing 50% of the award amount together with interest and costs. It is stated that in compliance of the order, dated 16.12.2010, the appellant/railways had deposited 50% of the award amount i.e., Rs.30,000/- together with interest and costs.

9. A perusal of the impugned order discloses that the Tribunal, after considering the oral and documentary evidence available on record, opined that the injuries sustained by the respondent/applicant are non-scheduled injuries. Further, it is stated that the respondent/applicant has been treated in Osmania General Hospital, Hyderabad. There is no medical evidence in support of the same. No Doctor is examined with regard to the disability and the grievousness of the injuries sustained by the respondent/applicant. CW.1 has only provided first aid and referred the respondent/applicant to Orthopedic Surgeon, Headquarters Hospital, Mahabubnagar. In view of the same, this Court is of the view that the appeal can be allowed in part reducing the compensation amount to the extent already deposited by the appellant/Railways, in terms of the order, dated 16.12.2010, passed by this Court.

10. Accordingly, the appeal is allowed in part reducing the compensation amount from Rs.60,000/- to the extent already deposited by the appellant/Railways i.e., 50% of the compensation amount together with interest and costs, in terms of the order, dated 16.12.2010, passed by this Court. There shall be no order as to costs.

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

December 20, 2019.
MD

T.AMARNATH GOUD, J

