

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.1535 OF 2008

JUDGMENT:

This appeal is preferred against order dated 10.09.2007 passed in OAA No.383 of 2003 by the Railway Claims Tribunal, Secunderabad Bench.

2. Appellants herein, who are father and mother of the deceased submitted application to Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the death of Maradoni Murali contending that on 06.04.2000 the deceased went to Vijayawada for offering prayers and participating in Mary Matha festival at Gunadala and while returning by train No. 471 Vijayawada – Rayagada passenger from Vijayawada to Eluru by purchasing II Class journey ticket, accidentally fell down from the train on the same day at km No.487/34-36 near Vatluru Railway Station, sustained severe injuries, shifted to Government Hospital, Eluru and from there to Government Hospital, Vijayawada, where the deceased succumbed to injuries

3. Railways resisted the claim application of the applicants.

4. Before the tribunal, AW.1 was examined and Exs.A.1 to A.5 were marked on behalf of the applicants and no oral or documentary evidence was adduced on behalf of the railways.

5. On a over all consideration of material available on record, the tribunal dismissed the claim petition on the ground that the applicants failed to prove their case and that it is not a case of death due to accidental fall from the train in an untoward incident as defined under Section 123(c)(2) of the Act, and that the applicants are not entitled to claim compensation.

6. Learned counsel for the appellants submitted that the tribunal erred in holding that the deceased was not bonafide passenger of any train and that the panchayatdars opined that the deceased fell down from the passenger train No.471 near Vatluru station and hence, prayed to grant just compensation.

7. On the other hand, learned standing counsel for the railways submitted that the petitioner is not a bonafide passenger and it is a clear case of suicide and that the order passed by the tribunal is well considered and hence, prayed to dismiss the appeal.

8. The tribunal rightly observed that the applicants failed to prove their case and that there are no other grievous injuries to indicate that it is fall from the train. Having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference and accordingly, the appeal is liable to be dismissed.

9. In view of the above, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Dated 13.11.2019
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