

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**CIVIL MISCELLANEOUS APPEAL No. 930 of 2008**

**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 20.12.2006, in O.A.A.No.70 of 2001, on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, the Tribunal).

2. The appellants in the C.M.A. are the applicants, and respondent in the C.M.A. is the respondent, before the Tribunal. For better appreciation of facts, the parties hereinafter are referred to, as they are arrayed before the Tribunal.

3. The brief facts are that on 24.04.1999, V.Somasekhar Rao (hereinafter referred to as 'the deceased') purchased II class journey ticket No.06618 for his journey from Secunderabad to Ravindrakhani and boarded Bhagyanagar Express and that while traveling, he fell down accidentally from the train at Km.297/36 at Ippuguda Railway Station and died on the spot. The mother and father of the deceased filed the above OAA seeking compensation.

4. Railways filed written statement denying the averments made in the application and prayed to dismiss the same.

5. The Tribunal, on consideration of both oral and documentary evidence available on record, came to the conclusion

that it is a clear case of self inflicted injury by the deceased and dismissed the OAA.

6. Learned counsel for the appellants/applicants submits that the deceased was a *bona fide* passenger travelling in the train with a valid ticket; that he died in an untoward incident; that the finding of the Tribunal is erroneous and prays to set aside the impugned order.

7. On the other hand, learned Standing Counsel for the respondent/Railway submits that as per Inquest Report, Ex.A.2, the deceased was sitting at the door and fell down from the train and hence, it can be said that the deceased has indulged in a prohibited act, thereby subjected himself to the risk of self inflicted injuries. Basing on the same, the Tribunal rightly dismissed the OAA and hence, there are no grounds to interfere with the impugned order.

8. Though A.Ws.1 and 2 deposed that the deceased purchased a journey ticket No.06618 and that the deceased kept the ticket in the journey bag, the Tribunal, basing on the Inquest Report, which did not show recovery of any journey bag from the place of occurrence, disbelieved the same. Further, basing on the Inquest Report, which is to the effect that the deceased was sitting at the door while traveling by Bhagyanagar express and fell down from the train, came to the conclusion that the deceased has indulged in a prohibited act and thereby subjected himself to the risk of self inflicted injuries. Accordingly, the Tribunal dismissed the

aforesaid OAA. As the Tribunal dealt with all the aspects in detail before dismissing the OAA, this Court is not inclined to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

9. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 20.12.2006, in O.A.A.No.70 of 2001, on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad. There shall be no order as to costs. Miscellaneous petitions pending in this appeal, if any, shall stand closed.

Date: 19.11.2019  
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**T.AMARNATH GOUD, J**

