

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.907 OF 2006

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 21.06.2006, passed in O.A.A.No.295 of 2001 by the Railway Claims Tribunal, Secunderabad Bench, at Secunderabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the O.A.A.

3. The brief facts of the case are that the applicants 1 to 3 are the wife and children and applicants 4 & 5 are the parents of the deceased-M.Srinivas Rao. The deceased used to go to Vijayawada from Vinjarampadu Village to purchase kirana articles. As usual, on morning of 31.07.2001 the deceased left for Vijayawada by boarding train at Ventrappagada Railway Station by purchasing ticket No.6765 by boarding train No.D112 Machilipatnam to Vijayawada passenger. Due to heavy rush, the deceased stood near the door and while the train was moving, he fell down in between Ventrappagada and Indupalli Railway Station at KM 31/3-4, as a result of which he sustained injuries and died on the spot. Hence, the applicants filed the claim application claiming compensation of Rs.4,00,000/-.

4. The respondent/Railways denied the averments made in the application and prayed to dismiss the same.

5. After considering the oral and documentary evidence on record, the Tribunal awarded compensation of Rs.4,00,000/- directing the Railways to deposit the amount within a period of two (02) months from the date of order, else interest @ 6% per annum to accrue from the due date till payment.

6. Heard Smt Ch.Lakshmi Kumari, learned standing counsel for the appellant/Railways and Sri A.K.Kishore Reddy, learned counsel for the respondents/applicants. Perused the material record.

7. Smt Ch.Lakshmi Kumari, learned standing counsel appearing for the appellant-Railways contended that the deceased was not a *bona fide* passenger as no ticket was found on the person of the deceased, as per Ex.A-2-Inquest Report; that granting of compensation by the Tribunal is not proper and hence, she prays to set aside the impugned order.

8. On the other hand, Sri A.K.Kishore Reddy, learned counsel appearing for the respondents/applicants contended that the deceased was a *bona fide* passenger travelling in the passenger train with a valid ticket, but the same was lost in the accident; that he died in an untoward incident; that therefore, the Tribunal rightly granted compensation and hence, there are no grounds to interfere with the impugned order.

9. Section 124-A of the Act is in the nature of 'no fault liability'. For claiming compensation under the Act, the applicants need not prove the negligence on the part of Railways. If the applicants prove that the deceased died in an untoward incident with a valid ticket, then the applicants are entitled for compensation.

10. It is not in dispute before this Court that the deceased was a *bona fide* passenger travelling in a train with a valid ticket, but it was lost in the accident. Therefore, it is a case where the deceased died in an untoward incident while travelling in a passenger train with a valid ticket. Hence, there are no grounds to interfere with the impugned order passed by the Tribunal.

11. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 21.06.2006 in O.A.A.No.295 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.

T.AMARNATH GOUD, J

Date: 19th November, 2019

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