

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.513 of 2012

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 05-01-2005, in O.A.A.No.234 of 2005, 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 31.08.2001, the deceased Jasthi Veeraju traveled from Samalkota to Rajahmundry by train No.8563, Prashanti Express in general compartment and because of the heavy rush, he stand by the door and due to sudden jolts, he fell down accidentally from the train at KM No.619/20-22 near LC Gate and died. The applicants 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 there is no evidence to show that the deceased died in an untoward incident and no ticket was seized from him, therefore, the Tribunal dismissed the OAA.

7. Heard.

8. A perusal of the record reveals that the Tribunal has considered the oral and documentary evidence available on record and rightly dismissed the OAA. There are no grounds to interfere with the said order and therefore, the appeal is liable to be dismissed.

9. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 05.01.2005, in O.A.A.No.234 of 2005, 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: 27.11.2019
Shr

T.AMARNATH GOUD, J

