

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.61 OF 2010

JUDGMENT:

This appeal is preferred against the order dated 06.11.2009 passed in OAA No.118 of 2003 by the Railway Claims Tribunal, Secunderabad Bench.

2. Respondents herein submitted application to Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the death of Singanamala Ramamurthy that he died in an untoward incident occurred on 15.10.2002, when the deceased went to Koduru Station, purchased ticket bearing No.57288 for Yerranguntla, boarded train No.6012 Chennai-Mumbai Express in general compartment, when he was standing near the door, due to heavy rush of passengers and jerks of the train, he slipped and fell down accidentally from the train and sustained injuries and that a railway safaiwala Prasad informed the same to the brother of the deceased Balaji and also took him to the hospital, but the injured died on the way.

3. Before the tribunal, Railways resisted the claim application of the claimants.

4. Before the tribunal, basing on the contentions, on behalf of the claimants AW.1 was examined and marked Exs.A1 to A.6 and on behalf of the respondent, RW.1 was examined and no documentary evidence was adduced.

5. On a over all consideration of oral and documentary evidence, Tribunal negatived objections of railways and awarded compensation of Rs.4,00,000/-.

6. Learned standing counsel for the Railways submitted that the tribunal erred in granting the compensation in all aspects and hence, prayed to set aside the order passed by the tribunal by allowing the appeal.

7. It is a case of death. A perusal of the material available on record and having regard to the facts and circumstances of the case, it is evident from the evidence of RW.1-Sk.Anwar Basha, Leave Reserve ASM of Koduru, who is an eye witness to the accidental fall from the train and also for recovery of the ticket from the deceased that the deceased died due to accidental fall from the train. Since both the requirements i.e. bonafide passenger and untoward incident have been proved beyond reasonable doubt by the claimants, this Court feels that the order passed by the tribunal is well considered and needs no interference of this Court and hence, the appeal devoid of merits and accordingly the appeal is liable to be dismissed.

8. 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 29.11.2019
kvrn