

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.935 OF 2007

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 17.08.2007, passed in O.A.A.No.255 of 2002 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 1st applicant is the wife and applicants 2 & 3 are the minor daughter and son respectively of the deceased-G.China Obaiah. The deceased informed his wife that he was going to Raichur on Saturday for coolie work and also informed that he would go to Hyderabad from Raichur on his personal work on Sunday and he would be back to Raichur by Rayalaseema Express on the same day night. Accordingly, the deceased reached Raichur on the morning of Saturday from Proddutur and attended coolie work and after attending coolie work at Raichur, he left for Hyderabad and reached on 16.09.2001 on his personal work. On the same day evening of 16.09.2001 while he was returning from Hyderabad to Raichur by Hyderabad-Tirupati Rayalaseema Express in II Class General Compartment, the deceased accidentally fell down from the running train between Yarmaras and Raichur Railway

Stations at K.M.No.565/4-5 posts, sustained severe multiple injuries and died on the spot.

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

5. After considering the oral evidence of A.W.1, who is the 1st applicant, and R.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-7 & Ex.R-1, the Tribunal awarded compensation of Rs.4,00,000/- directing the Railways to deposit the amount within a period of 60 days from the date of order, failing which interest @ 6% per annum to accrue from the due date till payment.

6. Heard Sri T.S.Venkata Ramana, learned standing counsel for the appellant/Railways and Sri T.L.Krishna Prasad, learned counsel for the respondents/applicants. Perused the material record.

7. Sri T.S.Venkata Raman, 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, he prays to set aside the impugned order.

8. On the other hand, Sri T.L.Krishna Prasad, 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 17.08.2007 in O.A.A.No.255 of 2002 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: 12th November, 2019

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