

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.854 of 2010

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the Order, dated 05.07.2010, in O.A.A.No.234 of 2003, on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, the Tribunal).

2. The appellant in the C.M.A. is the respondent, and the respondent in the C.M.A. is the applicant, 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 28.10.2002, Madala Seetharamaiah (hereinafter referred to as 'the deceased') purchased a journey ticket from Ponnur to Bapatla and boarded train No.423 passenger. When the train was passing between Appikatla and Machavaram Stations at Km.369/2-4, he accidentally slipped and fell from the train and died. The applicant 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, awarded compensation of Rs.4,00,000/- directing the Railways to deposit the amount

within a period of 3 months from the date of the order along with interest @ 6% per annum from the date of the order till the date of actual payment.

6. Learned Standing Counsel appearing for the railways-appellant contended that the deceased was not a *bona fide* passenger as he was not in possession of ticket; that granting of compensation by the Tribunal is not proper and hence, he prays to set aside the impugned order.

7. On the other hand, 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; 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.

8. A.W.2, Vijendra Aruna Kumari (granddaughter of the applicant), deposed that she had gone with her grandfather to Bapatla Station and they bought a ticket for return journey to Nidubrolu and the deceased boarded 423 Passenger for his journey. Taking into consideration the said evidence, the Tribunal came to the conclusion that the deceased had purchased a ticket and fell from a train accidentally and the ticket was lost in the accident. Accordingly, the Tribunal awarded the compensation. On perusing the order of the Tribunal, I see no ground to interfere with the same and the appeal is liable to be dismissed.

9. In the result, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 05.07.2010, in O.A.A.No.234 of 2003, 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: 20.11.2019
TJMR

