

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.131 OF 2012

JUDGMENT:

This appeal is preferred against order dated 08.08.2011 passed in OAA No.487 of 2006 by the Railway Claims Tribunal, Secunderabad Bench.

2. Respondent herein submitted application to Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the death of Pamidala Venkateswarlu, when he was traveling in Train No.351 passenger (Secunderabad to Guntur) from Vishnupuram to Pedakurapadu with second class ticket No.01261 on 18.09.2006, fell down accidentally in between Gudipudi and Pedakurapadu Railway Stations at KM 30 in between the posts of 12-13 due to heavy rush and jerks.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal examining AW.1 and marking Exs.A1 to A.6 on behalf of the claimant and examining RWs.1 to 4 and marking Exs.R.1 to R.5 on behalf of the railways, granted compensation that the deceased died in an untoward incident of accidental fall from the train and that the deceased was a bonafide passenger.

5. Learned standing counsel for the Railways submitted that the tribunal has not properly appreciated the evidence available on record and that the spot where the deceased said to have fallen does not lie between Sattenapalli – Bellamkonda though this was pointed out categorically in Ex.R.5-DRM report and that the interest granted by the tribunal is on higher side and hence,

prayed to allow the appeal by setting aside the order passed by the tribunal.

6. A perusal of the material available on record, the tribunal appreciated the ground of bonafide passenger and the other ground of untoward incident of accidental fall from the train. No evidence placed on record by the railways with regard to the act of negligence, which can be treated as self inflicted. Keyman, who first witnessed the dead body of the deceased on the track, was examined as RW.1. Evidence of RW.1 and Exs.R2 to R.5 support the case of the claimant. Therefore, the appeal fails and the appeal is liable to be dismissed.

7. Accordingly, the appeal is dismissed confirming the order dated 08.08.2011 passed in OAA No.487 of 2006 by the Railway Claims Tribunal, Secunderabad Bench. Railways shall deposit the balance compensation amount. On such deposit, the claimant is at liberty to withdraw the same. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Dated 06.12.2019
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