

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.891 of 2011

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 20.03.2009, in O.A.A.No.171 of 2000, 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 on 08-09-1999, the applicant No.1 boarded the train No.7487 Tirupati – Visakhapatnam Tirumala Express and when the train leaving the platform at Guduru railway station at about 9.30 PM., he slipped and fell down accidentally from the running train and his left foot was severely crushed. He was shifted to railway hospital by the railway staff and railway police for first aid and then shifted to SVRR Government Hospital, where his left foot was amputated. He 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 application was initially filed by the injured J.Krishna himself, claiming compensation of Rs.1,60,000/- for the injuries sustained by him in an untoward incident. During the pendency

of the OAA, the applicant No.1 died on 07.08.2002, and applicant Nos.2 and 3 were brought on record.

6. 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 death of the deceased was a consequence of the injuries sustained by him in the accident; that fall of the deceased is covered by proviso (d) to Section 124-A of the Railways Act, which absolves the respondent-railway for payment of compensation. 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 20.03.2009, in O.A.A.No.171 of 2000, 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: 21.11.2019
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