

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.341 of 2011

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 20.09.2010, in O.A.A.No.405 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 respondents in the C.M.A. are the applicants, 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 10.12.2003, Cherukupalli Yashodara (hereinafter referred to as 'the deceased') along with her husband while traveling by train No.2621 from Chennai, accidentally slipped and fell down at Bellampally Railway Station platform on 11.12.2003, sustained severed head injuries and died while undergoing treatment. The applicants 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, allowed the application and awarded compensation of Rs.4,00,000/- directing the Railways to deposit the amount within a period of two months with interest at the rate

of 6% per annum from the date of application, till the date of order and thereafter @ 9% per annum till the date of realization.

6. Learned Standing Counsel appearing for the railways-appellant contended that the deceased was not a *bona fide* passenger as defined under the Railways Act; 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 she 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. Admittedly, the deceased was travelling with a valid ticket, as such, it can be said that she is a *bona fide* passenger. It is clear from the records that when the train was moving slowly at Bellampally station, the deceased tried to get down from train, but she fell down accidentally and succumbed to the injuries. It is needless to observe that when the passengers could not get down the alighting station, generally they get down the train at the next station. In the said process, the deceased, while making an attempt to get down the slowly moving train at Bellampalli, the untoward incident took place.

9. The learned counsel appearing for the applicants relied upon the Judgment of this Court in C.M.A.No.743 of 2011, dated 25.01.2016. The point involved in this matter is squarely covered

by the said Judgment, and hence, the appeal is liable to be dismissed.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 20.09.2010, in O.A.A.No.405 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.

Date: 29.11.2019
Shr

T.AMARNATH GOUD, J

