

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No. 1601 of 2008

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short, 'the Act'), is directed against the order, dated 16.10.2008, in O.A.A.No.158 of 2003, on the file of the Railway Claims Tribunal, Secunderabad Bench, 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 17.12.2002, while Boyina Poornachandra Rao (hereinafter referred to as 'the deceased') was traveling from Vijayawada to Gudiwada with a season ticket No.3551732, fell down from an unknown train at Km.28/15-29 near Indupalli R.S. and died on the spot.

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 30 days from the date of receipt of a copy of

Order, failing which it shall carry interest @ 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 he was not in possession of any luggage or articles or money, except the season ticket, as per the Inquest Report; 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 traveling 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. 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.

9. It is not in dispute before this Court that the deceased was a *bona fide* passenger travelling in a train with a valid ticket. The police also seized a valid ticket showing that the deceased was a *bona fide* passenger traveling in a passenger train. Therefore, it is a case where the deceased died in an untoward incident while

traveling in a passenger train with a valid ticket. Hence, there are no grounds to interfere with the impugned order passed by the Tribunal.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 16.10.2008 in O.A.A.No.158 of 2003 on the file of the Railway Claims Tribunal, Secunderabad Bench, Secunderabad. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

Date: 11.11.2019
TJMR

T.AMARNATH GOUD, J

