

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No. 1053 of 2010

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 30.07.2010, in O.A.A.No.69 of 2005, 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 06.01.2005 while Ramavath Hanumanthu (hereinafter referred to as 'the deceased') was travelling in Cochin Express from Secunderabad to Nalgonda, and when the said train reached Pagidipalli at KM.No.230/8, he fell down accidentally from the train and died on the spot. 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, awarded compensation of Rs.4,00,000/- with interest @ 6% per annum from the date of

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

6. Learned Standing Counsel appearing for the railways-appellant contended that the deceased was not a *bona fide* passenger; that granting of compensation by the Tribunal is not proper and 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 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. Ex.A.2 is the inquest report, as per which, the deceased accidentally fell down near the scene of offence, went into the track and received grievous injuries on the head and died on the spot while he was travelling in Cochin Express. Ex.A.4 is the final report, which affirms that it is a clear case of accidental death and no foul play is suspected. Taking into consideration the said evidence and also other evidence available on record, the Tribunal came to the conclusion that the deceased was a *bona fide* passenger and he died as a result of an untoward incident of accidental fall from the train. A perusal of the record, this Court is of the opinion that it is a case where the deceased died in an untoward incident while travelling in a train. Hence, there are no

grounds to interfere with the impugned order passed by the Tribunal.

9. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the order, dated 30.07.2010 in O.A.A.No.69 of 2005 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: 04.12.2019
Shr

T.AMARNATH GOUD, J

