

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL MISCELLANEOUS APPEAL No.1216 of 2011

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the Order, dated 29.11.2010, in O.A.A.No.164 of 2007, 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 respondent in the C.M.A. is the applicant, 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 19.05.2007, while B.Amarnath (hereinafter referred to as 'the deceased') was travelling in train No.2628 Karnataka Express with ticket bearing No.16880, he accidentally slipped and fell down from the train between Ramarajupally and Turkapally stations and died on the spot. The applicant 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, directing the

Railways to deposit the amount within a period of three months from the date of Order.

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 hence, 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 he died in an untoward incident; that therefore, the Tribunal rightly granted compensation and prays to dismiss the appeal.

8. Though no ticket was found with the deceased in the GRP enquiry, the conclusion drawn by the railway was that as per the GRP, the deceased was a *bona fide* passenger, who fell accidentally from the train. The Station Master, Ananthapur, was not put on stand either to agree or deny that the applicant and other relatives informed him of the fall of the deceased. Basing on the above evidence, the Tribunal came to the conclusion that the deceased was a *bona fide* passenger and died in an untoward incident while travelling in the train. On perusing the order of the Tribunal, I see no grounds to interfere with the same.

9. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the Order, dated 29.11.2010 in O.A.A.No.164 of 2007 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: 25.11.2019
TJMR

