

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.755 OF 2009

JUDGMENT:

This appeal is filed by the appellants/applicants aggrieved by the Order, dated 18.03.2008, passed in O.A.A.No.34 of 2004 by the Railway Claims Tribunal, Secunderabad Bench, at Secunderabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the O.A.A.

3. The brief facts of the case are that applicants 1 to 3 are the daughters of the deceased-Smt Renikuntla Radha. The deceased was resident of Mandamarri of Adilabad District. She went to Jammikunta to her relatives' house and while returning on 15.04.1999, she boarded Train No.7233 UP Bhagyanagar Passenger as a *bona fide* passenger. The deceased got down at Ravindrakhani Railway Station, which is a small Railway Station and there is no fly over bridge for crossing the railway tracks. After alighting the train at Ravindrakhani Railway Station, she, with a rice bag on her head, crossed the track and while climbing the platform, suddenly the Train No.6040 Dn. came from the side of Mandamarri with a high speed and dashed the deceased, due to which the deceased received grievous injuries and fell down on the platform. When the deceased was alive with injuries, somebody shifted her to the Area Hospital, Ramakrishnapur, where she was declared dead. Hence, the

applicants filed the above said O.A.A. claiming compensation of Rs.4,00,000/-, payable by the Respondent/Railways.

4. The respondent/Railways filed reply 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, came to the conclusion that the incident does not come under the purview of Section 123(c) of the Railways Act and dismissed the OAA. Aggrieved by the said order, the applicants filed the present appeal claiming compensation.

6. Heard Sri S.Chandrasekhar, learned counsel for the appellants/applicants and Sri T.S.Venkata Ramana, learned standing counsel for the respondent/Railways. Perused the material record.

7. Learned counsel for the appellants/applicants submits that the deceased was a *bona fide* passenger travelling in the train with a valid ticket; that she died in an untoward incident; that the finding of the Tribunal is erroneous and prays to set aside the impugned order.

8. On the other hand, learned Standing Counsel for the respondent/Railways submits that the applicants in the application itself stated that the deceased was hit by Train

No.6040 while crossing the railway track. It is further contended that the deceased is not a *bona fide* passenger of Train No.6040 and it is very clear that the deceased carelessly crossed the track and hit by the train and the respondent/Railways is not responsible and the Tribunal rightly dismissed the OAA and hence, there are no grounds to interfere with the impugned order.

9. As the Tribunal dealt with all the aspects in detail before dismissing the OAA, this Court is not inclined to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 18.03.2008, in O.A.A.No.34 of 2004, 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: 3rd January, 2020

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