

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.990 OF 2015

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 11.09.2015, passed in O.A. II (U) No.233 of 2007 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 the 1st applicant is the wife and the 2nd applicant is the son of the deceased-M.Ramachandra Naidu. During the pendency of the application, applicants 3 & 4, who are the daughters of the deceased, have been impleaded subsequently. On 12.11.2006 the deceased, along with his wife, son and two daughters, boarded Train No.6359 Ernakulam – Patna Express in S5 coach at Tirupathi Railway Station holding journey-cum-reservation ticket bearing No.4149715956 from Tirupathi to Allahabad and another journey-cum-reservation ticket *vide* PNR No.820546234 for Train No.1071 Kamayani Express from Allahabad to Varanasi, dated 14.11.2006. While travelling, the deceased went to wash basin and washing his hands, suddenly he slipped and fell down accidentally from the said running train No.6359 Express at Tikariya Railway Station in between KM Nos.1232 and 1231/9 due to speed and jerks of the train and in the result, he

sustained severe multiple crush and fracture injuries and died on the spot on the night of 13.11.2006 at about 9.30 p.m. Hence, the applicants filed the application claiming compensation of Rs.4,00,000/- payable by the respondent/Railways.

4. The respondent/Railways filed written statement denying the averments made in the application and prayed to dismiss the same.

5. After considering the oral evidence of A.W.1 and the documentary evidence of Exs.A-1 to A-5 & Ex.R-1, the Tribunal awarded compensation of Rs.4,00,000/- to applicants 1, 3 & 4 directing the Railways to deposit the amount within a period of two (02) months with interest @ 6% per annum from the date of application till the date of order and thereafter @ 9% per annum till its realisation.

6. Heard Sri T.S.Venkata Ramana, learned standing counsel for the appellant/Railways and Sri T.L.Krishna Prasad, learned counsel for the respondents/applicants. Perused the material record.

7. It is not in dispute before this Court that the deceased was a *bona fide* passenger travelling in a train with a valid ticket and he was travelling along with his family members and A.W.1, who is his son, is a co-passenger and with regard the accidental fall

is concerned, it is proved and the same is not disputed, but the only contention raised by the appellant/Railways is that the deceased was of an unsound mind and because of his negligence, he fell down and died. In support of their contention, no evidence is placed on record and in the absence of any evidence, either oral or documentary, the said contention cannot be appreciated. Hence, there are no grounds to interfere with the impugned order passed by the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 11.09.2015, in O.A. II (U) No.233 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: 10th January, 2020

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