

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.1067 OF 2010

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 08.10.2010, passed in O.A.A.No.55 of 2005 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 on 19.02.2005 the applicant accompanied by four relatives with a view to go to Vijayawada to perform obsequies of his father at river Krishna, went to Chittoor Railway Station, purchased two senior citizen tickets and three II Class general tickets from Chittoor to Vijayawada and boarded Train No.7209 Bangalore – Kakinada Town Seshadri Express; while travelling, when the train halted at Tirupathi Railway Station, he got down for drinking water and again boarded the train and while going inside the compartment, the applicant accidentally slipped and fell down from the running train on platform due to sudden jerks of the train; he was dragged by the train and that his both feet were crushed, skin and flesh were lost; immediately the Railway Officials attended on him, rendered first aid and was shifted to Government General Hospital, Chittoor and admitted as inpatient. It is also stated that except the ticket of the applicant

bearing No.09940, the other tickets were cancelled at Chittoor and money was refunded. Hence, the applicant filed the above O.A.A. seeking compensation of Rs.1,60,000/-.

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.Ws.1 & 2 and R.Ws.1 to 3 and the documentary evidence of Exs.A-1 to A-3 & Ex.R-1, the Tribunal awarded compensation of Rs.60,000/- 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 award and thereafter @ 9% per annum till its realization.

6. Heard Sri Prabhakar Peri, learned standing counsel for the appellant/Railways and Sri T.L. Krishna Prasad, learned counsel for the respondent/applicant. Perused the material record.

7. Sri Prabhakar Peri, learned standing counsel appearing for the appellant-Railways, contended that the applicant boarded Train No.7209 Bangalore – Kakinada Town Seshadri Express and while travelling, when the train halted at Tirupathi Railway Station, he got down for drinking water and again boarded the train and while going inside the compartment, accidentally slipped and fell down from the running train on platform due to

sudden jerks of the train, which amounts to self-inflicted injury for which the Railways are not liable to pay any compensation and granting of compensation by the Tribunal is not proper and hence, he prays to set aside the impugned order.

8. On the other hand, Sri T.L.Krishna Prasad, learned counsel appearing for the respondent/applicant contended that the applicant was a *bona fide* passenger travelling in Train No.7209 Bangalore – Kakinada Town Seshadri Express with a valid ticket and that while travelling, when the train halted at Tirupathi Railway Station, he got down for drinking water and again boarded the train and while going inside the compartment, accidentally slipped and fell down from the running train on platform due to sudden jerks of the train and he was dragged by the train and that his both feet were crushed, skin and flesh were lost and that therefore, the Tribunal rightly granted compensation and hence, there are no grounds to interfere with the impugned order.

9. It is evident from the evidence of R.Ws.1 to 3 and the case sheet, which has been issued by the Government Hospital, that immediately after the accident, the applicant was taken to hospital at 7.45 p.m. on 19.02.2005, which clearly indicates that the accident has taken place in Tirupathi Railway Station and the Ticket No.09940 with the applicant is an evidence to show that he is a *bona fide* passenger.

10. With the above observation, this Court finds that there are no grounds to interfere with the impugned order passed by the Tribunal and the order passed by the Tribunal is just and proper.

11. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 08.10.2010, passed in O.A.A.No.55 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.

T.AMARNATH GOUD, J

Date: 3rd January, 2020

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