

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.749 OF 2012

JUDGMENT:

This appeal is preferred by the applicants against the order dated 20.04.2012 passed in OAA No.15 of 2005 by the Railway Claims Tribunal, Secunderabad Bench.

2. During pendency of the claim petition, the injured claimant –Bale Nagaraju died on 20.08.2006 for the injuries sustained in the accident occurred 27.01.2005 and her family members were added as claimants.

3. The deceased submitted application to the Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the injuries sustained to him in an untoward incident occurred on 27.01.2005 when the deceased went to Tadepalligudem Railway Station to attend coolie work at Kakinada, purchased 2nd class ticket from Tadepalligudem to Kakinada Port Railway Station, boarded train No.7048 (Secunderabad – Kakinada Goutami Express) in 2nd class general compartment, while traveling, he slipped and fell down accidentally from the running train at KM No.14/8-9 at 07.45 hours, for which his left hand got cut and separated at shoulder, left leg was cut just below the knee and right foot was severely crushed, immediately railway staff and railway police rendered first aid and shifted to Government General Hospital, Kakinada through RPC 969 and admitted him as in patient.

4. Railways resisted the claim application of the claimants.

5. Basing on the contentions, the tribunal after examining AW.1 and marking Exs.A1 to A.4 on behalf of the claimants and examining RWs1 and 2 and marking Exs.R.1 and 2 on behalf of the respondents and after hearing railways dismissed the application on the ground that as per Section 123(b)(i) of the Act the wife and children are defined as dependants, as such applicants 2 and 3 are only dependants and there is no pleadings that applicants 4 and 5 are depending on the deceased and that the applicants failed to prove that the deceased was a bonafide passenger and sustained injuries in an untoward incident occurred on 27.01.2005 when he slipped and fell down accidentally from the running train at KM No.14/8-9 and died due to the said injuries.

6. Learned counsel for the claimants contended that the tribunal failed to appreciate the evidence available on record in granting compensation and hence, prayed to grant just compensation.

7. Learned standing counsel for the Railways submitted that the order passed by the tribunal is well considered and needs no interference of this Court.

8. A perusal of the material available on record and having regard to the facts and circumstances of the case, the tribunal has rightly dismissed the application of the

applicants after appreciating the evidence of RWs.1 and 2 and material available, particularly Exs.R.1 and R.2 and hence, the appeal fails and the same is liable to be dismissed.

9. Accordingly, the appeal is dismissed confirming the order dated 20.04.2012 passed in OAA No.15 of 2005 by the Railway Claims Tribunal, Secunderabad Bench. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

Dated 10-01-2020
kvrn

T.AMARNATH GOUD,J

