

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.17 OF 2010

JUDGMENT:

This appeal is filed by the appellant-Railways aggrieved by the Order, dated 22.07.2009, passed in O.A.A.No.411 of 2003 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 29.06.2003, the applicant/injured while travelling from Vejendla to Guntur with a valid ticket bearing No.80793 by Train No.407 Passenger train, accidentally slipped and fell down from the above said train at Guntur Railway Station, sustained severe crush injuries to left leg and other multiple injuries all over the body. The co-passengers rushed him to GGH, Guntur, where he was admitted and where his left leg was amputated below knee. Hence, the applicant filed the above O.A.A. seeking compensation of Rs.4,00,000/-.

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

5. After considering the oral evidence of A.W.1 and R.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-4 & Exs.R-1 &

R-2, the Tribunal awarded compensation of Rs.1,80,000/- directing the Railways to deposit the amount within a period of two (02) months from the date of order, failing which interest @ 9% per annum to accrue from the date of the order till the date of actual payment.

6. Heard Sri Prabhakar Peri, learned standing counsel for the appellant/Railways and Sri Inampudi Nageswara Rao, 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 got down from the train when the train was moving 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 Inampudi Nageswara Rao, learned counsel appearing for the respondent/applicant contended that the applicant was a *bona fide* passenger travelling in the passenger train with a valid ticket and that the applicant has fallen down from the train accidentally and sustained amputation of left leg below knee leaving a stump of 6" and other multiple injuries and that therefore, the Tribunal rightly granted compensation and hence, there are no grounds to interfere with the impugned order.

9. Section 124-A of the Act is in the nature of 'no fault liability'. For claiming compensation under the Act, the applicant need not prove the negligence on the part of Railways. If the applicant proves that he was injured in an untoward incident with a valid ticket, then the applicant is entitled for compensation.

10. Having regard to the facts and circumstances of the case and the submissions of the learned counsel for both sides, this Court feels that it is a case where the applicant got injured in an untoward incident while travelling in a passenger train with a valid ticket. Hence, there are no grounds to interfere with the impugned order passed by the Tribunal.

11. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 22.07.2009, passed in O.A.A.No.411 of 2003 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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