

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.644 OF 2011

JUDGMENT:

This appeal is preferred against order dated 28.04.2011 passed in OAA No.483 of 2005 by the Railway Claims Tribunal, Secunderabad Bench, whereby the tribunal dismissed the claim on the ground that the claimants utterly failed to prove that the deceased was unmarried and thereby the applicants are entitled for compensation as dependants.

2. Claimants submitted application to Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the death of Polana Sai Kumar, aged about 20 years, contending that the deceased along with his six friends, while traveling from Vijayawada to Bapatla to go to Suryalanka for picnic by Pinakini Express on 24.11.2005, accidentally fallen down from the said train in between Krishna Canal and Kolanakonda R.S., for which the deceased received severe injuries and succumbed to the injuries.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal examined A.Ws.1 and 2 and marked Exs.A1 to A.7 on behalf of the claimants and no oral or documentary evidence was adduced on behalf of the railways.

5. It is the contention of the claimants that the tribunal failed to appreciate the evidence available on record and prayed to set aside the order passed by the tribunal and grant just compensation.

6. Learned standing counsel for the Railways submitted that the order passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

7. A perusal of the material available on record and having regard to the facts and circumstances of the case, it can be considered that the claimants are parents of the deceased. The deceased aged 20 years, unmarried and student, who was going along with his friends to picnic, it is needless to say that the claimants of the deceased are parents and hence, the appeal is liable to be allowed and remanded, setting aside the order passed by the tribunal, in view of the beneficial legislation, the genuine dependants cannot be deprived of their right.

8. Accordingly, the appeal is allowed remanding the matter by setting aside the order dated 28.04.2011 passed in OAA No.483 of 2005 by the Railway Claims Tribunal, Secunderabad Bench to proceed with the same in accordance with law considering the claimants as dependants. It is open for the both parties to adduce evidence, if any, and the tribunal shall dispose of the claim petition after affording opportunity to both sides as expeditiously as possible in view of the accident pertaining to the year 2005. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Dated 03.01.2020
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