

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.599 OF 2011

JUDGMENT:

This appeal is preferred by the applicants against order dated 17.02.2011 passed in OAA No.299 of 2005 by the Railway Claims Tribunal, Secunderabad Bench.

2. Appellants, who are husband and daughter of the deceased Devisetty Kalyani, submitted application to the Railway Claims Tribunal claiming compensation of Rs.4,00,000/- that when the deceased along with her father, purchased tickets, while boarding the train No.428 passenger (Guntur to Guntakal) from Narsaraopet to Cumbum, due to heavy rush in general compartment, the deceased accidentally slipped and fell down from the compartment and died along with her unborn baby in her womb.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal after examining AWs.1 and 2 and marking Exs.A1 to A.7 on behalf of the claimants and examining RWs.1 and 2 and marking Ex.R.1-DRM's report on behalf of the railways, dismissed the application that as per evidence of RWs.1 and 2 and Ex.R.1 the deceased while crossing the track, hit by the engine and hence, the tribunal found that the case of the applicants was completely devoid of merits and unsubstantiated by the evidence and material.

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

6. 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 on proper appreciation of evidence and material available and hence, the appeal fails and the appeal is liable to be dismissed.

7. Accordingly, the appeal is dismissed confirming the order dated 17.02.2011 passed in OAA No.299 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 03-01-2020
kvrn

T.AMARNATH GOUD,J

