

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.626 OF 2012

JUDGMENT:

This appeal is preferred by the railways against order dated 23.11.2010 passed in OAA No.62 of 2005 by the Railway Claims Tribunal, Secunderabad Bench, whereby the tribunal granted compensation on the ground that the deceased was a bona fide passenger and he died in an untoward incident.

2. It is the case of claimants that on 1/2.12.2004 at 01.50 am when the deceased was traveling in train No.7008 accidentally fell on Eluru Platform due to heavy rush of passengers and died due to head injury and the deceased having ticket No.2269631 from Khammam to Eluru.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal examined AW.1 and marked Exs.A1 to A.6 on behalf of the claimants and examined RW.1 and marked Exs.R.1 and R.2 on behalf of the railways.

5. It is the contention of the railways that the deceased was not a bona fide passenger and was not having valid ticket and that the deceased fell down due to his negligent and hence, prayed to allow the appeal setting aside the order passed by the tribunal.

6. Learned counsel for the claimants 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, admittedly, the deceased was holding ticket No. 2269631 from Khammam to Eluru

and that the railways has not produced any evidence to show that the deceased died due to his negligent. Therefore, the deceased was bonafide passenger and died in an untoward incident and that the tribunal rightly passed the order.

8. Accordingly, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

Dated 03.01.2020
kvrn

T.AMARNATH GOUD,J

