

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.873 OF 2012

JUDGMENT:

This appeal is preferred by the applicant against order dated 19.04.2012 passed in OAA No.372 of 2005 by the Railway Claims Tribunal, Secunderabad Bench.

2. Appellant, who is the married sister of the deceased Sadhu Krishna Prasad submitted application to the Railway Claims Tribunal claiming compensation that on 08.12.2003 the deceased after reaching Tirupathi Station from Kadapa inter city train holding ticket bearing No.07207782 hurriedly went out the station at night 23.00 hours in Plotform No.2 without observing shunting train No.473 Kakinada to Tirupathi passenger train accidentally fell down and at the same time dashed the shunting train on platform No.2 in railway station and sustained severe injuries and died on the spot.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal after examining AW.1 and marking Exs.A1 to A.6 on behalf of the claimant and after hearing railways, dismissed the application that as per the provisions of Section 123(b) of the Railways Act, the married sister cannot be a dependent.

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 applicant 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 19.04.2012 passed in OAA No.372 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

