

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.57 OF 2016

JUDGMENT:

This appeal is filed by the appellants-applicants aggrieved by the Order, dated 29.05.2014, passed in O.A.II(U) No.221 of 2010 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.

3. The brief facts of the case are that the 1st applicant is the wife, applicants 2 & 3 are the minor daughter and son and the 4th applicant is the mother of the deceased Nallari Shekar. On 25.10.2009 while the deceased was travelling from Tirupathi to Hyderabad holding a valid train journey ticket, by train No.2798 Venkatadri Express, went to toilet to attend nature's call and while washing hands at the wash basin, he accidentally slipped and fell down from the said train at Yerraguntla Railway Station due to speed, jolt and jerk, sustained injuries and died while being shifted to hospital on the intervening night of 25.10.2009.

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

5. After considering the oral evidence of A.Ws.1 to 3 and the documentary evidence of Exs.A-1 to A-6, the Tribunal dismissed the above said application by holding that the applicants have

not been able to establish that they are dependents of the deceased as defined in Section 123(b) of the Railways Act. Aggrieved by the same, the appellants/applicants filed the present appeal.

6. Heard Sri Prakash Chakravarthy, learned counsel appearing for the appellants/applicants and Smt T.Bala Jayasree, learned standing counsel appearing for the respondent/Railways. Perused the material record.

7. Since the Railways Act being a beneficial legislation, and almost always the Courts have been taking a sympathetic view to award compensation to alleviate the suffering that the tragedy has caused and the innocence of the applicants cannot be taken as an advantage to deprive their right, without expressing any opinion on merits, this Court feels that one more opportunity needs to be given to the applicants to establish that they are legal heirs of the deceased and that they are dependents of the deceased and their relation with the deceased under Issue No.1.

8. Accordingly, the appeal is allowed setting aside the Order, dated 29.05.2014, passed in O.A.II(U) No.221 of 2010 by the Tribunal and the matter is remanded to the Tribunal for fresh disposal of the said O.A. on merits. The appellants/applicants shall present the relevant documents before the Tribunal to prove that they are the legal heirs of the deceased and on receipt of such documents, the Tribunal shall consider the same and

proceed with the matter, in accordance with law, after affording reasonable opportunity to both sides, and decide the matter within a period of six (06) months from the date of receipt of a copy of this order, since the accident pertains to the year 2009. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 10th January, 2020

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