

APHC010558962011



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3459]

THURSDAY, THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

CIVIL MISCELLANEOUS APPEAL NO: 58/2011

Between:

1. SMT. MOHAMMAD FARHANA & 3 ORS, W/O. MUJBIR REHMAN
R/O. KANCHENRIMITTA, KAVALI, NELLORE DISTRICT, A.P.
2. MOHAMMED PHEMIDA, D/O. MUJBIR REHMAN
R/O. KANCHENRIMITTA, KAVALI, NELLORE DISTRICT, A.P.
3. MOHAMMED SAGIQR REHMAN, S/O. MUJBIR REHMAN [2&3
ARE MINORS REP BY IST PETITIONER]
R/O. KANCHENRIMITTA, KAVALI, NELLORE DISTRICT, A.P.
4. MOHAMMED MALIKA BEGUM, W/O. MUSAMIA
R/O. KANCHENRIMITTA, KAVALI, NELLORE DISTRICT, A.P.

...APPELLANT(S)

AND

1. THE SOUTH CENTRAL RAILWAY, rep by the General Manager,
South Central Railway O/o. Rail Nilayam, Secunderabad - 500
017.

...RESPONDENT

Appeal Under Section _____ against orders allow the award
compensation to the appellants together with interest and costs

IA NO: 1 OF 2010(CMAMP 1982 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased condone the delay of 2782 days in representation of appeal

IA NO: 2 OF 2010(CMAMP 1983 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased condone the delay of 20 days in filing of the appeal

IA NO: 1 OF 2015(CMAMP 20903 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

Counsel for the Appellant(S):

1.P R K AMERANDRA KUMAR

Counsel for the Respondent:

1.VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT
COUNSEL)

2.d

The Court made the following:

JUDGMENT:

The present Appeal is preferred by the appellants aggrieved by the order dated 01.04.2002 passed in O.A.A.No.242 of 2000 by the Railway Claims Tribunal, Secunderabad (for short "the Tribunal").

2. The appellants/applicants have filed the claim application before the Tribunal under Section 16 of the Railway Claims Tribunal Act, 1987 read with Sections 124-A and 125 of the Indian Railways Act, 1989 against the respondent Railway administration claiming compensation of Rs.4,00,000/-. The appellants claim that on 25.08.2000, the deceased, along with his colleagues, arrived at Vijayawada Railway Station intending to travel to Nellore. After purchasing a ticket to Nellore, he learned that the Krishna Express was delayed and instead boarded Train No. 2648 (a superfast express), informing his colleague that he would travel directly to Gudur to meet his brother and return to Nellore the same night. He also mentioned he would pay the fare difference to the TTE for the extended journey. Unfortunately, near Chirala Railway Station, due to sudden jolts and jerks, he accidentally fell from the train and was run over. An autopsy was conducted by the Duty Doctor at the Government Hospital, Chirala.

3. During the course of hearing, learned counsel for the appellants, and learned counsel for the respondent submit that the issue in the present civil miscellaneous appeal is squarely covered by the judgment,

dated 12.01.2024, passed by this Court in C.M.A.No.259 of 2019 and sought for a similar relief.

4. Recording the submissions made by learned counsel for both the parties, this Civil Miscellaneous Appeal is disposed of, in terms of the judgment, dated 12.01.2024, passed in C.M.A.No.259 of 2019, by setting aside the impugned order, dated 01.04.2002, passed by the Railway Claims Tribunal, Secunderabad, in O.A.A.No.242 of 2000 and the application filed by the applicants seeking compensation is allowed by awarding compensation of Rs.8,00,000/- from the respondent, in equal shares. Further, the respondent is directed to deposit an amount of Rs.8,00,000/- within a period of two (2) months from the date of receipt of a copy of this judgment, if not already deposited. On such deposit, the appellants are permitted to withdraw the deposited amount, as per the equal shares, without furnishing any security. No order as to costs.

As a sequel, miscellaneous pending applications, if any, shall stand closed.

JUSTICE SUMATHI JAGADAM

11th September, 2025
cbn

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THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

CIVIL MISCELLANEOUS APPEAL No.58 of 2011

11th September, 2025

cbn