

APHC010419542019



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

[3333]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

CIVIL MISCELLANEOUS APPEAL NO: 558/2019

Between:

- 1.CH. BADARINARAYANA, S/ O VENKATESARULU, AGED ABOUT- 47 YEARS, OCC AGRICULTURE,
- 2.CH.N.V.K. SREENIVASU, S/O BADARINARAYANA, AGED ABOUT- 17 YEARS, OCC STUDENT,
- 3.CH.SREELAKSHMI ANNAPURNA, D/O BADARINARAYANA, AGED ABOUT- 16 YEARS, OCC STUDENT, (APPLICANT NO.2 AND 3 ARE BEING MINORS REPRESENTED BY THEIR FATHER AND NATURAL GUARDIAN APPLICANT NO.1 HEREIN) R/O D.NO.16.31, MADDULAVARI STREET, BHATTIPROLU VILLAGE, AND MANDLAM, GUNTUR DISTRICT

...APPELLANT(S)

AND

- 1.UNION OF INDIA, Rep. by its General Manager, South Central Railway, Secunderabad

...RESPONDENT

Counsel for the Appellant(S):

- 1.INAMPUDI NAGESWARA RAO

Counsel for the Respondent:

- 1.VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT COUNSEL)

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA**CIVIL MISCELLANEOUS APPEAL NO: 558/2019****J U D G M E N T:**

1. The present Civil Miscellaneous Appeal (for short CMA) has been preferred by the Appellants/Applicants being aggrieved by the Judgment in Case No.OA(II)(U) No.66 of 2013 dated 04.09.2019 passed by the Railway Claims Tribunal, Amaravathi Bench at Guntur, wherein the Tribunal dismissed the claim of the Applicants.

For the sake of convenience, the parties hereinafter are referred to as they were arrayed before the Tribunal i.e., Appellants as Applicants and Respondent as Respondent

2. Applicants being husband and children of Ch.Padmavathi (hereinafter referred as deceased) filed a claim petition under Section 16 of the Railway Claims Tribunal Act, 1987 against the Respondent – Railway Administration, seeking compensation of Rs.4,00,000/- with interest and costs for the death of said Ch.Padmavathi, in an untoward incident that occurred on 28.12.2011.

3. The facts of the claim application of the applicants before the Tribunal are that - on 28.12.2011 the deceased Ch.Padmavathi with a view to go to her native place Bhattiprolu reached railway station, Chirala along with her daughter and sisters, purchased a journey ticket from Chirala to Bhattiprolu bearing No.01064426. She died in an untoward incident at Chirala railway station. The GRP, Chirala registered a case and conducted the inquest.

4. The respondent filed written statement stating that there is no cause of action for the applicant as the incident does not fall under the provisions of Section 123(C) read with Section 124-A of the Railways Act, 1989. It is categorically averred in the reply that while trespassing the railway track, the

deceased was hit by train, run over and killed. It is further stated that the deceased could not climb the foot over bridge and while going from platform No.2 to 3 by crossing railway lines, she was hit by train No.12753, was dragged by engine of the said train, sustained fatal injuries and died on the spot. It is further stated that since this is a case of trespassing, therefore, issue of bonafide status of the victim does not arise. Hence, prayed for dismissal of the claim application, with costs.

5. Basing on the above pleadings, the following issues were settled for trial/inquiry by the Tribunal -

- 1) Whether the applicant(s) is/are the dependent(s) of the deceased?
- 2) Whether the deceased was a bonafide passenger of the train in question and died as a result of an untoward incident?
- 3) Whether the applicant(s) is/are entitled to the compensation as claimed and to what relief?

6. On behalf of applicants, A.W.1 was examined and got marked Ex.A.1 to Ex.A-6.

On behalf of Respondent none were examined, but D.R.M's report containing a number of documents has been filed.

7. Upon hearing both sides, upon perusing the material on record, the Tribunal dismissed the claim application of the applicants holding that the deceased was neither a bonafide passenger of the train nor became victim of any untoward incident as defined under Section 123(c) of the Railways Act and the applicants, who are husband and children of the victim are not entitled to any compensation from the respondent railways.

8. Being aggrieved by the said Judgment, the applicants have preferred the present appeal on the grounds that – the tribunal erred in holding that the deceased was not a victim of untoward incident for award of

compensation by holding that the deceased was not a bonafide passenger for award of compensation based on the non-commencement of journey by the deceased, through admitting that she was a passenger died in the accident at Chirala railway station of Railway precincts duly ignoring the provisions of Section 123(c) of the Railways Act that the passenger involved in an untoward incident in the railway precincts, the dependents are eligible for award of compensation under section 124A of the Railways Act's. No D.R.M report was filed by the respondent within 60 days of the untoward incident, hence, the applicants are entitled for compensation. Since the Government of India recently by its notification enhanced the compensation from Rs.4,00,000/- to Rs.8,00,000/- w.e.f 01.01.2017, hence the appellants may be permitted to claim the higher compensation of Rs.8,00,000/-, since the Act being the beneficial piece of legislation. Hence, prayed to set aside the Judgment dated 04.09.2019 in case No.OA-II(U).66 of 2013 passed by the Railway Claims Tribunal, Amaravathi Bench at Guntur and to award compensation by allowing the appeal.

9. Heard both counsel and perused the material on record.

10. On perusal of the Order passed by Tribunal, it can be observed that the deceased in order to go to her native village, Battiprolu, reached Cheerala Railway Station along with her daughter and sister, purchased a ticket bearing No.01064426 and as she was going from platform No.2 to 3 by crossing the railway track, got ran over by the train No.12753 and died on the spot.

11. To prove their case, the applicants filed Ex.A.1 to Ex.A.6 documents. Ex.A.3 – inquest report shows that the deceased coming over to Plat form No.3 from platform No.2 and she was dashed against the train No.12753 and died. The dead body of the victim was dragged up to 36 sleepers by engine of the said train. However the Tribunal had find that the deceased neither bothered to consider her condition, nor used the lift provided by the railways for convenience

of the passengers, rather endangered her life by getting down from one railway platform, crossing the track and then climbing on to the another platform and met with the accident,, rather comes under the exception given under Section 124-A of the Railways Act.

12. However, in the present case, as per the D.R.M report the deceased was sick and she did not made use of lift and admittedly there was no provision and the report further discloses that at Cheerala Railway Station there is no provision for lift for sick, disabled and elderly people to go from one platform to another platform. Purely considering the D.R.M's report, the Tribunal should have considered the fact that as the deceased was sick and she was not able to use the foot over bridge made to cross the railway tracks, she made her efforts to go from platform No.2 to platform No.3 by crossing railway track and got ran over by another train and died on the spot. In such a case, the deceased has purchased a valid journey ticket for journey but, before boarding the train she met with the accident and as such she is a passenger of the Train at the relevant point of time, though the journey has not commenced and she falls under the definition of Section 124A of the Railways Act. Hence, the claimants are entitled for compensation from the Respondent Railway Administration.

13. Accordingly, the impugned Judgment dated 04.09.2019 in case No.OA II (U).66 of 2013 passed by the Railway Claims Tribunal, Amaravathi Bench at Guntur is hereby set-aside and the appeal stands allowed by ay allowing the claim of compensation. The claimants are awarded a sum of Rs.4,00,000/- along with interest at the rate of 7% from the date of filing of the claim application till its realization, in equal shares. It is made clear that after applying the rate of interest, if the final figure is less than Rs.8,00,000/-, then the appellants shall be entitled to Rs.8,00,000/-. The amount thus computed is directed to be paid by the respondent Railways within a period of eight (08) weeks from the date of receipt of a copy of this order. On such deposit, the

applicants are permitted to withdraw the same [In case if any claimant is a minor, his/her share shall be kept in fixed deposit in any nationalized bank till he/she attains majority).

14. Accordingly, the Civil Miscellaneous Appeal is allowed. No costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

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Dated 19.02.2026.

SMT JUSTICE V.SUJATHA

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THE HONOURABLE SMT JUSTICE V.SUJATHA

CIVIL MISCELLANEOUS APPEAL NO: 558/2019

DATED 19.02.2026

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