

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15224/2012

(From the judgement and order dated 12/12/2011 in CRP No.5900/2010 of The HIGH COURT OF A.P AT HYDERABAD)

MEKATHOTI MOHAN RAO & ANR

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date: 26/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSEFor Petitioner(s) Mr. Venkateswara Rao Anumolu, Adv.
Mr. Prabhakar Parnam, Adv.For Respondent(s) Mr. J.S. Attri, Sr. Adv.
Mr. Sayed Tanvir Ahmed, Adv.
Ms. Priyanka Bharihoke, Adv.
Mr. Bhim Pratap Singh, Adv.
For Mr. Shreekant N. Terdal, Adv.UPON hearing counsel the Court made the following
O R D E R

Having heard counsel for the parties, we are of the view even if we were to condone the delay of 2578 days in filing the claim application before the Railway Claims Tribunal for compensation, the fact remains that the deceased died as a result of a train passing through the railway track as a consequence of which the deceased died.

If the deceased was standing on the railway track, it may be difficult to appreciate as to how the petitioners may claim compensation for the death of the deceased if he had not only contributed to the negligence but was clearly negligent. The counsel for the petitioners submitted that he will furnish documents to establish as to whether the deceased, in fact, was standing on the railway track so as to negates his claim.

The special leave petition be, therefore, listed after three weeks.

|(Neetu Khajuria)

|(S.S.R. Krishna)

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|Sr.P.A.

|Court Master

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