
(2014) 07 RAJ CK 0117
In the Rajasthan High Court
Case No : Civil Misc. Appeal No. 1670/2009

Suresh	Vs	APPELLANT
Union of India		RESPONDENT

Date of Decision : 02-07-2014

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 23

Citation : (2014) 07 RAJ CK 0117

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Amit Surolia on behalf of Ajay Shukla, Advocate for the Appellant;
P.C. Sharma, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

ORDER

Alok Sharma, J.—The question in this civil misc. appeal u/s 23 of the Railway Claim Tribunal Act, 1987 laid by the appellant-claimant (hereinafter "the claimant") is with regard to the failure of the Railway Claims Tribunal, Jaipur Bench (hereinafter "the Railway Tribunal") to grant interest on the amount of compensation found payable to the claimant.

2. The facts of the case are that the claimant was traveling from Beawar to Gandhi Dham by Train No. 9708 UP passenger train on a second class railway journey ticket in a general compartment. Near Sendara Railway Station the claimant accidentally fell down from the running train and sustained multiple injuries resulting into amputation of his right leg and fracture of right hand. Further a fracture in the left leg was operated upon and a rod inserted for healing. In these circumstances an amount of Rs. 3 lakhs along with interest was claimed by way of compensation by the claimant. The claim was denied by the respondent-Railway. However, the Railway Claims Tribunal, Jaipur vide its order dated 04.10.2007 partly allowed the claim petition of the claimant and awarded a

sum of Rs. 2,89,432/- along with cost as compensation. In the order dated 04.10.2007, it was directed that in the event the award amount of Rs. 2,89,432/- was not paid within 60 days, it would carry interest of 7% p.a. That occasion did not arise as the award amount was paid within 60 days of the Railway Tribunal's award dated 04.10.2007.

3. Counsel for the claimant has submitted that the claimant was entitled to and ought to have been granted interest on the compensation found payable by the Railway Tribunal from the date of filing of the claim application till the date of payment. In support of the contention, reference has been made to the case of Mohamadi and Others Vs. Union of India (UOI), wherein the Hon''ble Apex Court has held that interest would accrue on the compensation found payable by the Railway Tribunal from the date of filing of the claim application till the date of payment. The judgment in Mohamadi (Supra) has been followed by this Court in SBCMA NO. 3591/2011 titled Smt. Chandra Singh & Ors. Vs. Union of India, decided on 04.02.2014 which reliance has also been placed by the claimant.

4. Mr. P.C. Sharma, appearing for the respondent-Railway has submitted that the amount of compensation of Rs. 2,89,432/- found payable by the Railway Tribunal under its order dated 04.10.2007 has already been paid on 07.01.2008 i.e. within 60 days as directed.

5. Having heard the counsel for the parties, it is quite apparent that the issue agitated in this appeal is covered on all fours by the judgment of the Hon''ble Supreme Court in the case of Mohamadi (Supra) as followed by this Court in SBCMA NO. 3591/2011.

6. Consequently, this appeal deserves to be allowed. It is directed that aside of the compensation of Rs. 2,89,432/- stated to have been already paid to the claimant on 07.01.2008, the claimant would be entitled to interest on the said sum @ 9% p.a. from the date of filing of the claim application before the Railway Tribunal till 07.01.2008.

7. The civil misc. appeal stands accordingly allowed.