
(2015) 01 CAL CK 0054

In the Calcutta High Court

Case No : F.M.A.T. 1131 of 2013 and CAN 7718 of 2014

Uttam Malakar

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 13-01-2015

Acts Referred:

Citation : (2015) 01 CAL CK 0054

Hon'ble Judges : Jyotirmay Bhattacharya, J; Tapash Mookherjee, J

Bench : Division Bench

Advocate : Rajendra Kumar Mittal and N. Mittal, for the Appellant; Aparna Banerjee, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Jyotirmay Bhattacharya, J.

Re: CAN 7718 of 2014 (condonation of delay)

1. This first miscellaneous appeal was filed beyond the prescribed period of limitation. There was 301 days delay in filing this appeal. An application for condonation of delay has been taken out by the appellant/applicant in connection with this appeal.
2. Reason for the delay has been explained by the appellant/applicant in this application for condonation of delay. The appellant/applicant lost both his legs in a railway accident. It is stated by the appellant/applicant that due to mental agony which he suffered due to amputation of both his legs, he could not file the appeal within the prescribed period of limitation.
3. We hold that the explanation for the delay is satisfactory. Accordingly, delay in filing this appeal is condoned. Let the appeal now be registered.
4. The application for condonation of delay being CAN 7718 of 2014 is thus disposed of.

Re: FMAT 1131 of 2013

5. Immediately after the delay in filing the appeal is condoned and the appeal is regularized, we are requested by the learned counsel appearing for the parties to consider the appeal on merit by dispensing with the requirement of filing paper book as only a short point is involved in this appeal. Accordingly, we have taken up this appeal for hearing by dispensing with the requirement of filing paper book in this appeal.

6. By the award passed by the Learned Tribunal on 14th August, 2012, the Railway authority was directed to pay a sum of Rs. 4,00,000/- towards compensation to the claimant/appellant within two months from the date of receipt of copy of the said award with a rider that in case such compensation money is not paid to the claimant/appellant within the said period, the railway authority will have to pay simple interest @6% per annum from the date of the award till payment is made.

7. The claimant/appellant is aggrieved as interest was directed to be paid in case of default of payment of the compensation money within a specified period.

8. We by following the principle as laid down by the Hon''ble Supreme Court in the case of Thazhathe Purayil Sarabi and Ors. v. Union of India and Anr. reported in 2010 (1) T.A.C. 420 (S.C.) hold that the claimant/appellant is entitled to interest by way of compensation for delayed payment of such compensation.

9. Accordingly, we dispose of this appeal by directing the Railway authority to pay simple interest @8% per annum from the date of filing of the claim petition till the date of actual payment of the awarded compensation. Such payment should be made to the claimant/appellant within four weeks from the date of communication of this order.

10. The claimant/appellant is directed to supply the particulars of his bank account to the Railway authority within two weeks from date and the Railway authority is directed to deposit the interest amount to the credit of the claimant/appellant in the said bank account within three weeks from the date of receipt of the particulars of the bank account of the claimant/appellant.

11. The appeal is thus disposed of.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the applicant as early as possible.