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IN THE HIGH COURT OF DELHI AT NEW DELHI

FAO 268/2011

UDAIVIR SINGH & ORS Appellant
Through Mr.N.K. Gupta, Adv.

versus

UNION OF INDIA Respondent
Through:Mr. K.C.Bajaj, Adv.
Mr. Amit Dubey, Adv.

And

FAO 269/2011

SUSHMA & ORS Appellant
Through Mr.N.K. Gupta, Adv.

versus

UNION OF INDIA Respondent
Through:Mr. K.C.Bajaj, Adv.
Mr. Amit Dubey, Adv.

And

FAO 271/2011

SMT NEELAM Appellant
Through Mr.N.K. Gupta, Adv.

versus

UNION OF INDIA Respondent
Through:Mr. K.C.Bajaj, Adv.

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the digital data is as per the physical
file and no page is missing.

Mr. Amit Dubey, Adv.

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CORAM:
HON'BLE MR. JUSTICE KAILASH GAMBHIR

ORDER
24.11.2011

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CM No. 11117/2011(delay) in FAO No. 268/2011
CM No. 11134/2011(delay) in FAO No. 269/2011

In a batch of these appeals, the appellants are seeking modification of the order passed by the learned Railway Claims Tribunal.

counsel for the appellants submits that the appellants have been denied interest from the date of filing of the claim application before the Railway Claims Tribunal. Counsel submits that in all these matters the appellants have been granted interest @9% p.a. from the date of the said order. Counsel also submits that the appellants are entitled to interest @ 12% p.a. from the date of filing of the claim petition and not from the date of passing of the order.

In support of his arguments, counsel for the appellants has placed reliance on the orders passed by this court in FAO No. 125/2011 and FAO NO. 241/2011.

I have heard learned counsel for the parties.

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In the aforesaid appeals i.e. FAO No. 125/2011 and FAO No. 241/2011, based on the decision of the Supreme Court in *Tahazhathe P. Sarabi Vs. UOI 2009 Vol. 7 SCC 372*, this court granted interest @ 12 % p.a from the date of the claim application before the Railway Claims Tribunal.

This court is not taking any different view than the one taken by Justice Valmiki J. Mehta in the aforesaid appeals.

The present appeals are also accordingly disposed of directing the respondents to pay interest @ 12% p.a. to the appellants from the date of filing of the claim petition before the Railway Claims Tribunal. The appellants shall not be entitled to the interest for the delayed period in preferring the appeal.

With the aforesaid directions, the appeals stand disposed of.


KAILASH GAMBHIR,J

NOVEMBER 24, 2011
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