

GAHC010139802023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MFA/53/2023

INDRA KALA DEVI KARKI AND ANR.
W/O SRI NIL BAHADUR KARKI,
RESIDENT OF VILLAGE BORSOLA. PO BORSOLA, DIST DHEKIAJULI, DIST
SONITPUR, ASSAM

2: SRI NIL BAHADUR KARKI
RESIDENT OF VILLAGE BORSOLA. PO BORSOLA
DIST DHEKIAJULI
DIST SONITPUR
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER NF RAILWAY, MALIGAON,
GUWAHATI 7841147

Advocate for the Petitioner : MS J KALITA

Advocate for the Respondent : SC, RAILWAY

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

30.06.2023.

Heard Ms. J. Kalita, learned counsel appearing for the appellants. Also heard Mr. DJ Das, learned standing counsel appearing for the respondent Railway.

This appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 is preferred by two appellants, namely, Smti Indra Kala Devi Karki and Sri Nil Bahadul Karki, for modification of the judgment and order dated 27.03.2023, passed in OAIU-55/2022, by the learned Railway Claims Tribunal, Guwahati Bench.

It is to be noted here that vide impugned judgment and order, the learned Tribunal has awarded a sum of Rs.8,00,000/- as compensation and apportioned a sum of Rs.4,40,000/- in favour of the appellant No.1 Smti Indra Kala Devi Karki, the mother of the deceased and a sum of Rs.3,60,000/- in favour of the appellant No.2, Sri Nil Bahadul Karki, the father of the deceased.

The learned Tribunal further directed to release a sum of Rs.80,000/- only in favour of the appellant No.1 and directed to keep a sum of Rs.3,60,000/- in four FDRs, @ Rs.90,000/- each for a period of four years and the learned Tribunal has directed to fix the entire amount of Rs.3,60,000/- of appellant No.2 in four FDRs, @ Rs.90,000/- each for a period of four years.

Ms. Kalita, learned counsel for the appellants submits that both the appellants are old and ailing persons, suffering from different ailments and for their treatment, the awarded amount may be released, keeping however, a sum of Rs.1 lakh, in respect of each of the appellant in FDRs for a period of four years.

The learned counsel for the respondent Railway, submits that he has no objection, if the impugned judgment and order, dated 27.03.2023, is modified to the extent indicated above and as prayed for.

Having heard the learned counsel for both sides and perusing the appeal petition along with the documents placed on record and also perusing the impugned judgment and order dated 27.03.2023 and as agreed by learned

counsel for the respondent, the appeal stands allowed.

Accordingly, it is provided that by keeping a sum of Rs.1 lakh each, in FDR for a period of four years from the awarded amount in respect of both the appellants shall be released to the appellants, so as to facilitate their treatment, as submitted by the learned counsel for the appellants.

In terms of above, the appeal stands allowed and the impugned judgment and order dated 27.03.2023, stands modified, to the extent as indicated above.

JUDGE

Comparing Assistant