

GAHC010161662023



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

Case No. : MFA/98/2023

JETHA MARANDI AND ANR.
S/O LATE MUNSHI MARANDI,
RESIDENT OF VILLAGE DAMDA, PO ARINA, PS AJAMNAGAR, DIST
KATHIHAR, BIHAR, PRESENTLY RESIDING AT RANGALOO GAON, PS
KAMPUR, DIST NAGAON, ASSAM

2: HANSI KISKU
W/O JETHA MARANDI
RESIDENT OF VILLAGE DAMDA
PO ARINA
PS AJAMNAGAR
DIST KATHIHAR
BIHAR
PRESENTLY RESIDING AT RANGALOO GAON
PS KAMPUR
DIST NAGAON
ASSA

VERSUS

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

Advocate for the Petitioner : MS J KALITA

Advocate for the Respondent : SC, NF RLY

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

15.05.2024

Heard Ms. J Kalita, learned counsel for the appellants as well as Ms. B Sarma, learned Standing Counsel, NF Railway, appearing for the respondent.

The appeal is admitted for hearing.

Issue Notice.

No formal notice need to be issued as Ms. Sarma has accepted notice on behalf of the respondent.

This appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 praying for modification of the Judgment dated 11.05.2023 passed by the Railway Claims Tribunal, Guwahati Bench in OA/IIU-43/2022.

A person, called Margha Marandi, lost his life in an untoward incident involving the railways. He was the only son of 59 years old Sri Jetha Marandi and 44 years old Smti Hansi Kisku. They filed an OA before the Railway Claims Tribunal seeking compensation. The learned Tribunal awarded a compensation of Rs.8,00,000/-. The Tribunal directed that both the appellants should be given Rs.4,00,000/- each.

The Tribunal further directed that a cash amount of Rs.60,000/- should be immediately given to each of the appellants and remaining Rs.3,40,000/- shall be kept in fixed deposit in the name of both the appellants.

The learned counsel for the appellant has submitted that considering the age of the appellants the aforesaid order actually amounted to denial of compensation for the death of their son. Therefore, the learned counsel for the appellant has prayed for modification the that part of the impugned judgment.

Ms. Sarma, on the other hand, has submitted that both the appellants should be paid Rs.2,00,000/- each and the remaining Rs.2,00,000/-each should be kept as fixed deposit in their names for a period of 2 (two) years.

After considering the submission made by the learned counsel for both the parties, this court has decided that the impugned judgment passed by the Railway Claims Tribunal deserves to be modified. Accordingly, the appeal is allowed.

It is hereby directed that each of the appellant shall be paid Rs.2,00,000/- instantly and the remaining Rs.2,00,000/- each shall be kept as fixed deposit for a period of 2 (two) years.

With the above, the present appeal is disposed of.

JUDGE

Comparing Assistant