

GAHC010178922023



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

Case No. : MFA/65/2023

SUMI BORO
W/O LATE BIJOY BORO,
RESIDENT OF NO. 1 JAYAPATHAR, PO DHUPGURI, PS URIAMGHAT, DIST
GOLAGHAT, ASSAM 785601

2: SRI MANTU BORO
S/O LATE BIJOY BORO

RESIDENT OF NO. 1 JAYAPATHAR
PO DHUPGURI
PS URIAMGHAT
DIST GOLAGHAT
ASSAM 785601

3: PRABIN BORO
S/O LATE SHANTA RAM BORO
RESIDENT OF NO. 1 JAYAPATHAR
PO DHUPGURI
PS URIAMGHAT
DIST GOLAGHAT
ASSAM 785601

4: SMTI SARALA BORO
W/O PRABIN BORO
RESIDENT OF NO. 1 JAYAPATHAR
PO DHUPGURI
PS URIAMGHAT
DIST GOLAGHAT
ASSAM 78560

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, SECUNDERBAD

Advocate for the Petitioner : MS J KALITA

Advocate for the Respondent : D.Y.S.G.I.

B E F O R E
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

17.05.2024

Heard Ms. J. Kalita, learned counsel appearing for the appellant. Also heard Ms. N.N. Sharma, learned counsel appearing for the respondent/Railway.

This is an appeal under Section 23 of the Railway Claim Tribunal Act, 1987 challenging the judgment and order dated 11.05.2023 passed by the Railway Claims Tribunal, Guwahati Bench in OAIU-57/2022.

In the aforesaid original application, the Tribunal has awarded compensation of Rs. 8,00,000/- along with interest at the rate of 9% per annum to be collected from the date of the incident.

The Tribunal apportioned the compensation amount between the claimants. The appellant No. 1 is the wife of the deceased and appellant No. 2 is the minor son of the deceased. The appellant Nos. 3 and 4 are the parents of the deceased.

The Tribunal equally divided the total amount of compensation between the appellant No. 1, 3 and 4 and apportioned of Rs. 1,40,000/- in favour of the minor son.

The Tribunal further directed that out of the shares apportioned in favour of the appellant Nos. 1, 3 and 4, Rs. 40,000/- was directed to be released in their favour after keeping the remaining Rs. 1,80,000/- as fixed deposit.

The appellant has submitted that the apportionment of the money amongst to denial of compensation.

I have decided to agree with Ms. J. Kalita, the learned counsel for the appellant.

Therefore, the impugned judgment and order dated 11.05.2023 stands modified. The appellant Nos. 1, 3 and 4 each shall be given of Rs. 2,20,000 each without any riders, so far as to the share of the minor son is concerned.

The order passed by the Railway Claims Tribunal, Guwahati shall be in force with the aforesaid direction.

With the above observation and direction, this appeal stands disposed of.

JUDGE

Comparing Assistant