

GAHC010211092023



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

Case No. : MFA/92/2023

AKLIMA KHATUN KHATUN AND 5 ORS.
W/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II, GOWRIPUR, PS AND DIST.
DHUBRI, ASSAM

2: KHADIZA BEGUM
D/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II
GOWRIPUR
PS AND DIST. DHUBRI
ASSAM

3: MANICHA BEGUM
D/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II
GOWRIPUR
PS AND DIST. DHUBRI
ASSAM

4: MEHEDI HASAN
D/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II
GOWRIPUR
PS AND DIST. DHUBRI
ASSAM

5: JURAN ALI
S/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II
GOWRIPUR
PS AND DIST. DHUBRI
ASSAM

6: SAFIYA BIBI

S/O LATE SAFIYUR RAHMAN
RESIDENT OF VILLAGE FALIMARI PART II
GOWRIPUR
PS AND DIST. DHUBRI
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER, EAST COAST RAILWAY,
BHUBANESWAR

Advocate for the Petitioner : MS J KALITA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19.06.2024

Heard Ms. J. Kalita, learned counsel for the appellants. Also heard Shri C.K.S. Baruah, learned C.G.C.

2. The present appeal has been preferred under Section 23 of the Railway Claim Tribunal Act, 1987 in respect of a judgment and order dated 16.06.2023 passed by the learned Railway Claims Tribunal, Guwahati Bench in OAIU-54/2020.

3. The appellant no. 1 is the widow of the deceased and the appellant nos. 5 & 6 are the parents of the deceased. The appellant nos. 2, 3 & 4 are the minor children of the deceased and are represented by the appellant no.1.

4. The grievance raised in this appeal is not against the quantum but the manner of distribution of the amount granted by the learned Tribunal. By the impugned order, the amount of Rs.8,00,000/- (Rupees Eight Lakhs) which was awarded with interest @

6 % was directed to be distributed by making the amount into several parts. The learned counsel has submitted that such distribution would not meet the ends of justice as there is immediate requirement for the betterment of the appellants including the three minor children.

5. As regards the aspects of the affidavit which was required to be filed in connection with the purpose for which money was required, the learned counsel has submitted that the appellants being at Dhubri and was not able to come to Guwahati for swearing the affidavit, such affidavit has not been able to be filed.

6. The learned counsel has however submitted that it is only for the welfare and betterment of the three minor children that the part of the distribution of the amount by the learned Tribunal requires some modification.

7. The learned counsel for the appellants has also referred to a similar order passed by this Court on 30.06.2023 in MFA No. 53/2023.

8. Shri Baruah, the learned C.G.C. does not object in principle to the prayer. He however submits that a distribution should be made in a manner which will bring maximum benefit to the appellants- claimants including the three minor children.

9. After considering the aforesaid aspects, while the direction of the learned Tribunal so far as the amount concerning the appellant nos. 2, 3 & 4 are concerned are not interfered with, the amount which has been allotted to the appellant nos. 1, 5 & 6 are to be released to them without any further conditions. For the sake of clarity the distribution would be in the following manner:

(i)The amount which has been allotted to the appellant nos. 1, 5 & 6 which are respectively of Rs. 3,00,000/-, Rs. 50,000/- and Rs. 50,000/- are to be released to them without any further deductions.

(ii)The amount allotted and the manner of depositing the same in a Nationalised Bank as fixed deposit for the appellant nos. 2, 3 & 4 as contained

in directions I (b), I (c) & I (d) of the impugned judgment shall however remain intact.

10. Appeal accordingly stands allowed with the observations made above. The observations on the aspect of interest would remain intact.

JUDGE

Comparing Assistant