

GAHC010238582024



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

Case No. : MFA/60/2024

PHULESWARI CHUTIA AND 4 ORS
W/O. LATE LEKHAN CHUTIA

2: DEBEE CHUTIA
D/O. LATE LEKHAN CHUTIA

3: PRIYANKA CHUTIA
D/O. LATE LEKHAN CHUTIA

4: SADANANDA CHUTIA
D/O. LATE LEKHAN CHUTIA

5: SANGITA CHUTIA
D/O. LATE LEKHAN CHUTIA
ALL ARE RESIDENT OF VILL. KHANGIA CHHAPORI
P/O. LAGUABORAH
P/S. DHEMAJI
DIST. DHEMAJI
PIN-787053
ASSAM

VERSUS

THE UNION OF INDIA
REP. BY THE GENERAL MANAGER, WESTERN RAILWAY, MUMBAI.

Advocate for the Petitioner : J.P. BARUAH, MR. S SUTRADHAR, MS N RAFIQUE

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 25.11.2024

Heard Mr. J.P. Baruah, learned counsel for the appellants.

2. This appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the judgment and award dated 14.08.2024, passed by learned Railway Claims Tribunal, Guwahati Bench, in OAIU-60/2023.

3. It is to be noted here that vide impugned judgment and award dated 14.08.2024, the learned Tribunal had directed the respondent authority to pay a sum of Rs. 8,00,000/- in the claim petition preferred by the appellants herein, on account of death of Late Lekhan Chutia at Amalsad Railway Station and also directed to apportion the amount as under:

- | | | |
|------------------------------|---|----------------|
| (i) Smt. Phuleswari Chutia | - | Rs. 4,50,000/- |
| (ii) Smt. Debee Chutia Mudoi | - | Rs. 50,000/- |
| (iii) Smt. Priyanka Chutia | - | Rs. 1,00,000/- |
| (iv) Shri Sadananda Chutia | - | Rs. 1,00,000/- |
| (v) Smt. Sangita Chutia | - | Rs. 1,00,000/- |

4. The learned Tribunal further directed to deposit a sum of Rs. 1,00,000/- in the account of the appellant No. 1 through RTGS/NEFT transfer and the remaining 3,50,000/- to be invested in seven FDRs of Rs. 50,000/- each for one to seven years, and also directed that the entire amount of compensation of Rs. 50,000/- payable to Smt. Debee Chutia Mudoi be invested in her name in a nationalized bank as fixed deposit for a period of three years and the entire amount of compensation of Rs. 1,00,000/- each payable to Smt. Priyanka Chutia, Shri Sadananda Chutia and Smt. Sangita Chutia be invested in their

names in a nationalized bank as fixed deposit for a period of three years. It was also directed that the awarded amount of Rs. 8,00,000/- will carry pendente lite interest @ 6% per annum from date of registration of the claim petition i.e. 15.02.2023 and the interest will be 9% on account of failing to pay the same within 90 days of the receipt of the order.

5. Mr. Baruah, learned counsel for the appellants submits that the only grievance of the appellants is that the entire amount in respect of the appellant Nos. 2, 3, 4 and 5 was directed to be invested as fixed deposit in a nationalized bank and the sum of Rs. 3,50,000/- of the appellant No. 1 was directed to be invested as fixed deposit in a nationalized bank, and all the appellants are major and because of the aforementioned direction for fixed deposit, the appellants are facing much inconvenience and therefore, it is contended to release the entire amount in their favour. In support of his submission, Mr. Baruah has referred to an order of this Court, dated 10.05.2024, in MFA No. 64/2023.

6. Having heard the submission of learned counsel for the appellants, and also considering the facts and circumstances on the record, especially the submission of Mr. Baruah that all the appellants are major and the direction was given by the learned Tribunal for fixed depositing the entire amount in respect of appellant Nos. 2 to 5 and also the sum of Rs. 3,50,000/- in respect of the appellant No. 1, that caused much inconvenience to them, this Court is inclined to allow this appeal by directing the learned Tribunal to release the entire amount in favour of the appellants.

7. Accordingly, the impugned judgment and award dated 14.08.2024, stands modified to the extent as indicated above.

8. In terms of above, this appeal stands disposed of.

JUDGE

Comparing Assistant