

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.2 of 2014

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Smt. Radhiya Devi W/o Late Sakaldeo Yadav Resident of Village Kurmai, P.O. Pariya, P.S. Pariya, District Gaya (Bihar).

.... Appellant/s

Versus

The Union of India Through The General Manager, Eastern Railway, 3-Koelaghat Street, Kolkata-700001.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari

For the Respondent/s : Mr. Bijay Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 07-04-2015

Heard Mr. Krishna Mohan Murari, learned counsel for the appellant and Mr. Bijay Kumar Sinha, learned counsel appearing on behalf of respondent-railway on I.A. No. 2319 of 2014 as well as M.A. No. 02 of 2014.

I.A. No. 2319 of 2014 has been filed for condonation of delay of two years one month eight days in filing the present appeal on the ground that the appellant is little literate and rustic so he could not aware of the decision of higher Court for granting interest in compensation matter from the date of filing of the application.

The present appeal under Section 23(1) of the Railway Claim Tribunal Act, 1987 has been filed against the order dated 26.08.2011 passed in Case No. OA 00034 of 2002 by the

Member (Technical) Railway Claim Tribunal, Patna Bench hereinafter referred to as 'Tribunal'. By the said order, the learned Tribunal allowed the claim case and directed to pay the compensation of Rs. 4,00,000/- within two months otherwise interest @ 9% will be payable from the date of filing of the claim application till realization.

Learned counsel for the appellant submits that compensation amount has already been received by the claimant in terms of the order of the learned Tribunal.

As such, the explanation, as given in the interlocutory application for condonation of delay in filing the appeal, is not plausible and bona fide.

Accordingly, the Interlocutory Application no. 2319 of 2014 is dismissed. In view of the dismissal of the above interlocutory application, the present miscellaneous application is also dismissed.

(Rajendra Kumar Mishra, J.)

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