

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.170 of 2014**

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1. Nageshwar Prasad Yadav S/O Late Munshi Yadav  
2. Pawo Devi, W/O Nageshwar Prasad Yadav  
Both Are Resident of Village:- Dharhara, Po: Dharhara, Ps: Dharhara, Distt.:  
Munger

.... .... 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, Advocate

For the Respondent/s : Mr. Bijay Kumar Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA**

ORAL JUDGMENT

**Date: 13-03-2015**

Heard.

2. This is an Appeal preferred against order dated 29<sup>th</sup>  
September 2010 passed in Claim Case No. OA 00120/2000 by  
which the claim was allowed in favour of the appellant as regard  
to interest therein in the order that in the event Award is not  
satisfied within two months the Railway shall be liable to pay @  
9% from the date of application.

3. The claimant appellant preferred execution  
proceeding for realization of interest on the ground that railway  
respondent fail to satisfy the Award within stipulated two months.

4. The Executing Court after examining the materials  
available on record finding compliance of order within the

stipulated period turned down the prayer of interest giving rise to filing M.A. No. 555 of 2012. A Bench of this Court heard the said Appeal and disposed of the matter on 28<sup>th</sup> February 2014 confirming findings of the Court below only, thereafter, the present Appeal is preferred on 24<sup>th</sup> March 2014 with a prayer seeking condonation of the delay of about four years.

5. It is evident that the claimant appellant had no grievance against the order of the Claim Tribunal below awarding interest from the date of application only in the event Award is not satisfied within two months. Thus, at subsequent stage, they appear at all not entitled to challenge such portion of the order specifically when their application for execution on consideration of materials not only dismissed but the stand taken by the Claim Tribunal below is approved by a Bench of this Court as referred to above.

6. Finding no merit in this Appeal, the same stands dismissed. Accordingly, Interlocutory Application No. 6618 of 2014 is also dismissed.

**(Akhilesh Chandra, J)**

Ashwini/-

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