

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.4 of 2014

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Laxmin Devi, W/o Late Shivnath Yadav Resident Of Village Chaipayali, Pateri,
P.O. Chaipayali, P.S. Bhagwanpur, District Siwan (Bihar).

.... Appellant/s

Versus

The Union of India Through The General Manager, North East Railway, Gorakhpur
(U.P.).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari.

For the Respondent/s : Mr. Mahesh Prasad.

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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. Mahesh Prasad, learned counsel appearing
on behalf of respondent-railway on I.A. No. 2778 of 2014 as well as
M.A. No. 04 of 2014.

I.A. No. 2778 of 2014 has been filed for condonation
of delay of two years two months in filing the present appeal on the
ground that the appellant is little literate and rustic so they 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 28.07.2011 passed in Case No. OA 00069 of 2001 by the

Member (Judicial) 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. 2778 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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