

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.5 of 2014

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Smt. Sumitra Devi, W/o Late Suresh Saw Resident Of Village Tankupa, Tola
Jiwanbigha, P.O. Tankupa, P.S. Wazirganj, 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. 2779 of 2014
as well as M.A. No. 05 of 2014.

I.A. No. 2779 of 2014 has been filed for condonation
of delay of two years one month and nine days 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 29.07.2011 passed in Case No. OA 00039 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. 2779 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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