

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1 of 2014

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1. Mehrun Nisha W/o Late Fruk Ansari Resident Of Village Baidhana, P.O. Malhara, P.S. Dhibra, District Aurangabad (Bihar).
 2. Farjana Yasmin Minor D/o Late Faruk Ansari Through Her Natural Guardian And Mother Mehrun Nisha Resident Of Village Baidhana, P.O. Malhara, P.S. Dhibra, District Aurangabad (Bihar).
 3. Afsana Takhnum Minor D/o Late Faruk Ansari Through Her Natural Guardian and Mother Mehrun Nisha Resident of Village Baidhana, P.O. Malhara, P.S. Dhibra, District Aurangabad (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. 2318 of 2014
as well as M.A. No. 01 of 2014.

I.A. No. 2318 of 2014 has been filed for condonation
of delay of three years ten months and seventeen days in filing the
present appeal on the ground that the petitioners are 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 18.11.2009 passed in Case No. OA 00032 of 2000 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 appellants 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. 2318 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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