

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.M.A.Nos.576, 679, 1289 AND 1590 of 2008

1. S.N.Raj,
2. Smt.R.Indira .. Appellants in C.M.A.No.576 of 2008

1. G.Ranganathan
2. R.Kumari. .. Appellants in C.M.A.No.679 of 2008

Smt.Mariyammal .. Appellant in C.M.A.No.1289 of 2008

1. T.Gopalakrishnan
2. Smt.G.Prema ... Appellants in C.M.A.No.1590 of 2008

Vs.

Union of India,
Owning Southern Railway
rep. By General Manager,
Chennai-600 003. ... Respondent in all C.M.As.

Prayer : Civil Miscellaneous Appeal preferred under Section 23 of the Railway Claims Tribunal Act 54 of 1987, against the order dated 10.10.2007, 8.10.2007, 10.10.2007 & 18.01.2008, 22.10.2007 passed by the Railway Claims Tribunal, Chennai Bench in O.A.Nos.8/04, 6/04, 88/03 & 66/2004 respectively be modified granting interest at 12% p.a. on the statutory compensation of Rs.4,00,000/- from the date of filing of the claim application viz., 17.02.2004, 12.02.2004, 18.12.2003 & 11.10.2004 till the date of payment and the costs of the proceedings.

For Appellants : Mr.T.Raja Mohan

For Respondent
in CMA No.576 of 2008 : Mr.S.M.Deenadayalan

For Respondent
in CMA No.679 of 2008 : Mr.Siddharth Bahety

For Respondent
in CMA No.1289 of 2008: Ms.V.Bhavani Subbarayan

For Respondent
in CMA No.1590 of 2008: Mr.V.Haribabu

C O M M O N J U D G M E N T

All the four appeals are challenging the awards of Railways Claims Tribunal and the relevant details wereof which are pertinent in the context of these appeals are as below:-

S.No.	C.M.A.No.	O.A. before Railway Claims Tribunal	Date of filing	Date of Award
1.	576 of 2008	O.A.8 of 2004	17.02.2004	10.10.2007
2.	679 of 2008	O.A.6 of 2004	12.02.2004	08.10.2007
3.	1289 of 2008	O.A.88 of 2003	18.12.2003	10.10.2007
4.	1590 of 2008	O.A.66 of 2004	11.10.2004	18.01.2008

2. Since a single question of law is involved in all these appeals, they are taken together and are being disposed of by common order.

3. The question involved is : Whether interest is payable on the award amount from the date of claim petition or from the date on which orders are passed by the Railway Claims Tribunal. This is now settled by the Hon'ble Supreme Court in *Thazhathe Purayil Sarabi & Others Vs. Union of India and another* [AIR 2009 SCC 3098]. After indicating that neither the Railway Claims Tribunal Act, 1987 nor the Railways Act 1989, provides for payment of compensation or rather silent on it, the Hon'ble Supreme Court considered the implications of Sec. 3 of the Interest Act, 1979 as well as Sec. 34 of Code of Civil Procedure it held that interest may be claimed on any amount decreed or awarded for a period during which the money became due and yet remained unpaid to the claimants. After going specifically into the question whether the interest would be payable from the date of claim or from the date of award, the Supreme Court held that while two divergent views are possible, the more consistent view has been the one in favour granting interest from the date of claim.

4. I, therefore, opt to lean in favour of the more predominant or judicially preferred view which the Supreme Court has underscored and hold that the appellants in all these appeals are entitled to claim interest at the rate indicated in their respective awards of Railway Claims Tribunal from the date of the claim petition as indicated in the table in the opening paragraph of this order.

5. All the four appeals are allowed accordingly. No costs.

sd/-

Assistant Register

//True Copy //

Sub Assistant Register

kmi

To:

The General Manager,
Owning Southern Railway,
Chennai-600 003.

+ 4 CC's to Mr.Raja Mohan Advocate,
sr.nos.71787, 71786, 71784 & 71783

+ 1 CC to Mr.Siddharth Bohety, Advocate,
sr.no.72115

सत्यमेव जयते

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and 1590 of 2008

MG[CO]
SDR 30/12/2016

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