

HON'BLE SRI JUSTICE S. RAVI KUMAR

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C.M.A. No. 100 of 2010

-
DATE: 08.07.2016

-
Between:

Manda Venkatamallaiah
and another

.. Appellants/
Applicants

and

The Union of Inida
Respondent

..

JUDGMENT:-

This appeal is preferred against order dated 17.03.2009 in O.A.A.No. 158 of 2004 on the file of the Railway Claims Tribunal, Secunderabad Bench.

The appellants herein are the claimants who submitted an application under Section 16 of the Railway Claims Tribunal Act, 1987 read with Section 124-A of the Railways Act, 1989 claiming compensation of Rs.4.00 lakhs for the death of M. Kamala who died in an untoward incident on 25.05.2004. Railways opposed the claim of the appellants and on a consideration of the material evidence on record, the Railway Claims Tribunal granted compensation of Rs.4.00 lakhs as prayed for.

The appellants herein preferred the present appeal contending that the Railway Claims Tribunal failed to grant any interest on the compensation amount and to that extent only order of the Railway Claims Tribunal is challenged.

Heard the learned counsel for both parties.

The learned counsel for the appellants submitted that this Court, by relying on the judgment of the Hon'ble Supreme Court in **Tahazathe Purayil Sarabi vs. Union of India (UOI)**^[1] in C.M.A.No. 4317 of 2004 dated 17.09.2010 held that the claimants are entitled to interest on the compensation amount

at 6% per annum from the date of application till the date of award and thereafter at 9% per annum till realization. It is submitted that in view of the above referred decision of this Court, claimants are entitled for interest on the awarded amount.

I have perused the order of this Court dated 17.09.2010 in C.M.A.No. 4317 of 2004 and the impugned order dated 17.03.2009. The Railway Claims Tribunal, while granting compensation of Rs.4.00 lakhs did not whisper anything with regard to payment of interest. In the case of Tahazhathe Purayil Sarabi vs. Union of India (UOI), the Hon'ble Supreme Court held as under:

“We, therefore, allow the appeal and modify the order of the High Court dated 24.05.2007 affirming the order of the Trial Court and direct that the awarded sum will carry interest @ 6% simple interest per annum from the date of the application till the date of the Award, and thereafter, at the rate of 9% per annum till the date of actual payment of the same”.

In view of the above decision of the Hon'ble Supreme Court, the claimants are entitled for interest at 6% per annum from the date of application till the date of the order, and thereafter, at 9% per annum from the date of the order till realization. As the Railway Claims Tribunal has not granted any interest it is held that the appellants are entitled to interest as indicated above.

For these reasons, the appeal is partly allowed and the order of the Railway Claims Tribunal dated 17.03.2009 is modified by granting interest on the compensation amount at 6% per annum from the date of application till the date of the order, and thereafter, at 9% per annum till the date of payment. No order as to costs.

As a sequel to the allowing of the appeal in part, Miscellaneous Petitions, if any pending, shall stand disposed of

as infructuous.

J

S. RAVI KUMAR,

08.07.2016

bcj

[\[1\]](#) AIR 2009 SC 3098