

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.1271 OF 2011

Dated 21st July, 2016

Between:

G.Yelisamma and others.

..Appellants.

And:

Union of India, represented by its General Manager,
South Central Railway, Secunderabad.

..Respondent.

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JUDGMENT:

This appeal is preferred questioning order dated `12-2-2009 in O.A.A.No.188 of 2004 on the file of Railway Claims Tribunal, Secunderabad.

Appellants herein preferred claim under Section 16 of Railway Claims Tribunal Act, 1987 read with Section 124 and 124-A of Railways Act, 1989 for the death of G.Paul Kennedy in an untoward incident of accidental fall from train on 22-4-2004 while travelling from Visakhapatnam to Tuni. Railway Claims Tribunal on considering the oral and documentary evidence of claimants and railways, granted compensation of Rs.4,00,000/- accepting the version of claimants that the deceased while travelling from Visakhapatnam to Tuni, fell down between Gullipadu-Tuni railway stations.

Now the grievance of the claimants is that the Railway Claims Tribunal has not granted interest on the compensation amount as per settled law.

Advocate for appellants submitted that as per settled law, claimants are entitled for interest at 6% p.a., from the date of accident till the date of order and thereafter at 9%

p.a., from the date of order till the date of realization, but the claims tribunal granted interest only from the date of order till payment and the order of the railway claims tribunal has to be modified by granting interest at 6% p.a., from the date of accident, till the date of order and thereafter at 9% p.a., from the date of order till realization.

To support his argument, he relied on the judgment of Supreme Court in *THAZHATHE PURAYIL SARABI AND OTHES v. UNION OF INDIA AND ANOTHER* (^[1]).

In view of the above referred judgment, claim of appellants is to be accepted.

Accordingly, appeal is allowed modifying the order of the Claims Tribunal by granting interest at 6% p.a., from the date of accident, till the date of order and thereafter at 9% p.a., from the date of order, till the date of realization. No costs.

As a sequel to the disposal of this appeal, Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 21st July, 2016.
Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs

[\[1\]](#) (2009) 7 SCC 372