

HON' BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.923 of 2011

JUDGMENT:

This appeal is preferred against order dated 16.10.2008 in O.A.A.No.45 of 2005 on the file of Railway Claims Tribunal, Secunderabad Bench, Secunderabad.

2. Appellants herein submitted an application under Section 16 of the Railway Claims Tribunal Act, 1987, read with Section 124-A and 125 of the Railways Act, 1989 to the Railway Claims Tribunal claiming compensation of Rs.4,00,000/- for the death of Gidijala Apparao in an untoward incident that took place on 24.01.2005.

3. Respondent herein, i.e. Railways resisted the claim contending that the deceased died on account of his own negligence.

4. On these contentions, Railway Claims Tribunal conducted enquiry, during which, one witness is examined, six documents are marked on behalf of the claimants and one witness is examined and two documents are marked on behalf of the Railways.

5. On a consideration of oral and documentary evidence, Railway Claims Tribunal granted compensation of Rs.4,00,000/- with a direction to deposit the said amount with interest at 9%per annum from the date of order till the date of actual payment. Aggrieved with the order in respect of payment of interest, claimants preferred the present appeal.

6. Heard both sides.

7. It is submitted that as per settled law, respondent is liable to pay interest at the rate of 6% per annum from the date of application till the date of award and thereafter, at the rate of 9% per annum from the date of award till payment, but Tribunal granted interest only from the date of order till the date of payment. The same is not correct. Advocate for appellants relied on decision of Supreme Court in *THAZHATHE PURAYIL SARABI AND OTHERS v. UNION OF INDIA AND ANOTHER*¹.

8. Advocate for respondent has not disputed the principle laid down in the above referred decision in respect of payment of interest.

9. Considering the same and also considering the submissions of both sides, it is held that appellants are entitled for interest at 6% per annum from the date of application till the date of award and thereafter, at 9% per annum from the date of award till payment.

10. The appeal is, accordingly, allowed in part modifying the award of Railway Claims Tribunal to the extent of payment of interest as indicated above. No costs. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

31st August 2016.
Rns

¹ 2009 ACJ 2444