

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.1273 OF 2011

Dated 21st April, 2016

Between:

Sankuru Venkata Lakshmi and another.

..Appellant.

And:

Union of India, represented by its General Manager,
East Coast Railway, Bhuvanesar.

..Respondent.

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JUDGMENT:

This appeal is preferred questioning order dated 25.2.2009 in O.A.No.431 of 2006 on the file of Railway Claims Tribunal, Secunderabad.

Appellants herein preferred claim under Section 16 of Railway Claims Tribunal Act 1989 read with Section 124-A and 125 of Railways Act, for the death of S.Balaram Reddy in an untoward incident of accidental fall from train No.6003 Howrah-Chennai Mail, on 6-7-2006 while travelling from Vizianagaram to Samalkot. 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 Vizianagaram to Samalkota by train No.6003 Howrah-Chennai Mail, fell down between Kantakapalli and Kothavalasa 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 the date of 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* ([\[1\]](#)). I have perused the judgment. In view of the above referred judgment, argument of advocate for appellants has 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 April, 2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs

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