

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CMA No. 959 OF 2011

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JUDGMENT:

This Civil Miscellaneous Appeal is filed against judgment and order passed by the Railway Claims Tribunal Bench at Secunderabad in O.A.A.No.484 of 2005 dated 07.07.2009 for not awarding the interest on the awarded compensation.

Heard Sri S.Chandra Sekhar, learned counsel for the appellant and Sri T.S.Venkata Ramana, learned Standing Counsel for the Railways.

Learned counsel for the appellant submits that as per the judgment of the Apex Court in **Tahazhathe Purayil Sarabi v. Union of India (UOI)**^[1], the claimants are entitled for simple interest at the rate of 6% per annum from the date of petition till the date of award. He further submits that even a learned Single Judge of this Court in CMA No.4317 of 2004, has followed the judgment of the Apex Court while granting interest.

In **Tahazhathe Purayil Sarabi v. Union of India (UOI) (supra)**, the Hon'ble Supreme Court held as follows:

“We, therefore, allow the appeal and modify the order of the High Court dated 24.5.2007 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.”

Learned Standing Counsel submits that the claimant received entire consideration vide cheque bearing No.028096, dated 27.07.2009.

In view of law laid down by the Hon'ble Apex Court, which was followed by this Court in CMA NO.4317 of 2004, this CMA is allowed granting simple interest @ 6% per annum from the date of application till the date of Award and thereafter @ 9% per annum from the date of Award till realization.

Accordingly, the Civil Miscellaneous Appeal is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand disposed of.

A.RAJASHEKER REDDY, J

25.01.2016
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[\[1\]](#) AIR 2009 SC 3098